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ABSTRACT

This annual publication (published separately in English and Spanish) examines political, legal, social, and educational issues concerning indigenous peoples around the world during 1996-97. Part I highlights news events and ongoing situations in specific countries. In North America, these include threats of proposed oil drilling on sacred sites of the Blackfeet Nation and associated wilderness environment, the Leonard Peltier case, international boycotts of lumber and oil companies threatening the proposed Lubicon Cree territory in Alberta, the choice of an Ojibwa activist as 1996 Vice-Presidential candidate of the U.S. Green Party, intrusion of mining activities on the sacred sites of the Western Shoshone, and conflicts between the National Park Service and the Timbisha Shoshone and other tribes. Other sections cover the Arctic, Mexico and Central America, South America, the Pacific and Australia, East Asia, Southeast Asia, South Asia, and Africa. Indigenous issues in these regions include violations of human rights, harassment of indigenous leaders and activists, colonialism, exploitation of indigenous territories by national and multinational companies, lack of land rights, and forced relocation and settlement. Many sections comment on the status of bilingual education or native language instruction, the lack of health and educational services in rural villages, and efforts aimed at cultural maintenance. Part II describes international work on behalf of indigenous rights and includes two articles: "Indigenous Peoples Keep the U.N. Declaration Intact for a Second Year" (Jens Dahl, Andrew Gray); and "The 53rd Session of the Commission on Human Rights" (Inger Sjorslev). (SV)

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THE INDIGENOUS WORLD 1996-97

ED 412 063

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THE INDIGENOUS WORLD
1996-97

IWGIA
Copenhagen 1997

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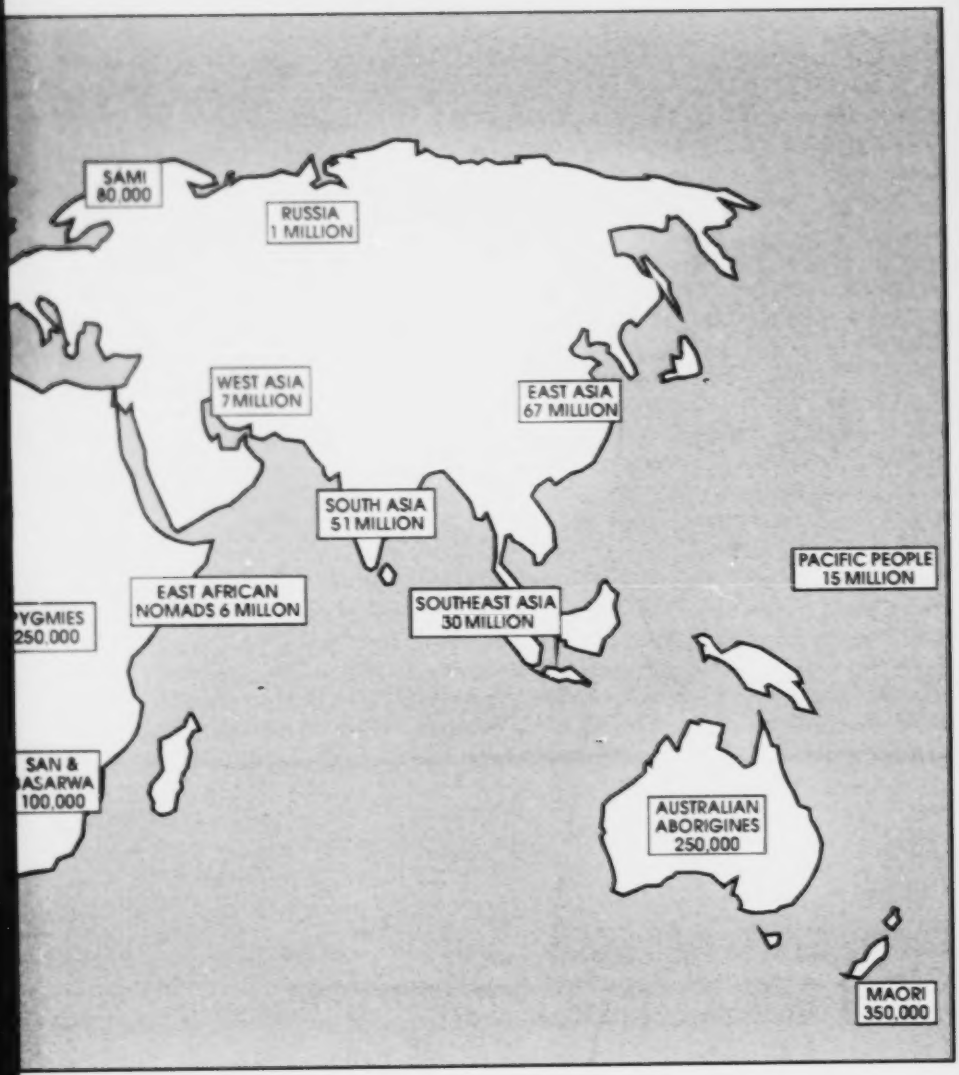

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INTRODUCTION

It was ten years ago when the first issue of *The Indigenous World* - at that time titled 'IWGIA Yearbook' - was published. It came about mainly due to the initiative of Andrew Gray, then director of the IWGIA international secretariat, who also took over the task of reviewing the available sources on regional developments, writing the respective overview articles and compiling and editing the other authors' contribution to the subsequent chapters on indigenous rights, affairs and issues. A lot has changed since then - much to the advantage of the editor - as virtually all contributions to this year's edition have been written by a host of authors from all over the world. Many of them are indigenous persons themselves. This may not only be seen as reflecting IWGIA's expanded network with indigenous individuals, organisations and support groups, but indirectly also the past decade's development within the global indigenous movement in general, which has gained both in internal strength and, consequently, in external recognition within the international community.

Although still far from a major breakthrough, the indigenous peoples' unyielding struggle for the recognition of their rights within the UN system has already borne fruit: the draft Declaration on Indigenous Peoples Rights reached the Commission on Human Rights in 1995, the first level in the long and arduous ascent via the Economic and Social Council to the UN's General Assembly where it will eventually have to be approved. Though the draft Declaration is by far not as strong as the indigenous peoples would like to have it, they agree on it as defining the acceptable minimum standards for guaranteeing their rights. Even so, maintaining these minimum standards intact during the passage through the highly politicised top spheres of the UN system is a difficult task. As Jens Dahl and Andrew Gray's contribution in Part II of this volume shows, the indigenous peoples have been successful so far.

Though the human and legal rights situation of indigenous peoples has improved in some countries, in most others only little or no

progress at all has occurred: it may have even become worse. A browse through the 1986 Yearbook reveals many issues which are again covered in this year's edition. As reported in 1986, for example, the Lubicon Cree of Alberta, Canada, still have no rights to their territory and have to fight an uphill battle against government-backed logging and oil companies. And the plight of the longhouse communities to be relocated in Sarawak, Malaysia, due to the scheduled Bakun dam was already reported in 1986. Now, ten years later and despite nationally and internationally supported opposition by the indigenous peoples affected, construction of the dam has begun.

Several more long-standing cases could be mentioned, others may not have been covered either in the 1986 or this year's yearbook. In some cases indigenous peoples have been successful in asserting their rights and in fending off encroachments on their territories. But new threats - both in old and new disguises - arise with the continued and accelerated expansion of natural resource exploitation and infrastructure construction by private and state enterprises, or with the unabated invasion of indigenous peoples' territories by settlers. How much remains unchanged, what new issues arose and where a shift in emphasis has occurred during the decade that IWGIA has monitored developments in the indigenous world can be gleaned from comparing the thematic summary presented in the 1986 report with the issues covered in this volume. A short overview is presented below:

1. Militarisation and violations of human rights
Many indigenous territories, including the Chittagong Hill Tracts or East Timor and much of West Papua and Burma, are still virtually under siege or outright military occupation, where serious human rights abuses are reported. In Colombia the indigenous peoples suffer from the continuing presence of paramilitary groups in their territories, and in Chiapas (Mexico), the peace negotiations with the EZLN are stalled.

2. Harassment of indigenous leaders and members of communities
Cases are reported in this volume from Sarawak (Malaysia), where indigenous leaders were and still are imprisoned due to their opposition to logging on their territories.

3. Colonisation

As some of this year's contributions show, government initiated colonisation schemes still go on in Indonesia, and the encroachment by non-indigenous settlers on indigenous land is still a major problem in the Chittagong Hill Tracts and the Philippines. East Timor still suffers from Indonesian occupation. But more cases of internal colonisation are reported in this issue from Ghana, Niger and Bougainville. And in West Kalimantan, the decades long immigration of settlers and the continuing encroachment on their territories has led to a massive uprising with heavy casualties (see chapter on Indonesia).

4. Encroachment on indigenous territories by national and multinational companies

Exploitation of indigenous territories by - usually government backed - national and multinational companies engaged in mining, logging, oil exploration and drilling is constantly increasing. Cases covered in this volume are from the Equatorial Africa, Ghana, Indonesia, Malaysia, the Pacific, Peru and the Philippines.

5. Lack of land rights

Some indigenous peoples or communities have managed to have their land rights, at least to a certain extent, recognised. Improvements are reported in this volume from South America, South Africa, the Philippines and Alaska. But they still represent relatively isolated cases and too few to justify optimism. In most countries lack of land rights remains the major problem facing indigenous peoples. In the case of Kerala (see chapter on India) and Peru, promising developments initiated in the past have even experienced a set-back.

6. Forced relocation and settlement

Closely linked to the lack of land rights are forced relocation and settlement. Large-scale infrastructure projects are the major causes. Cases are reported in this volume from Malaysia (Bakun dam), the Philippines (San Roque and Casecnan dam) and West Papua (Memberamo dam). Of increasing concern for indigenous peoples are the severe restrictions on land use or even forced relocation imposed by environmental conservation projects as the cases from Thailand (the new forestry law), Indonesia (Lore Lindu National Park in

Central Sulawesi), India (Nagarhole National Park) and Botswana (Central Kalahari Game Reserve) show.

Although IWGIA tries to present as comprehensive an overview of the developments within the indigenous world as possible, the mere scope of the aim calls for modesty in expectations. With the increasing number and magnitude of threats the indigenous peoples are facing, the wide array of responses they develop in defending their rights, and with the increasing awareness of and information on these issues, any such endeavour must remain partial. That *The Indigenous World* has nevertheless been able to maintain a certain level of coverage and continuity over the years is the merit of all those people who, some of them for years, have provided us with articles.

Contributors

IWGIA would like to extend warm thanks to the following people and organisations for having contributed to The Indigenous World*:*

The Arctic

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North America

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Torben Retbøll teaches History and Latin at Aarhus Katedralskole, Denmark. He has written and edited several books on mass media and international affairs, including two IWGIA documents. He produces a weekly radio program, The World Around Us, and writes regularly for the Danish paper *Dagbladet Arbejderen*. He is currently preparing a new IWGIA document on East Timor *(East Timor)*.

Telapak Indonesia, based in Bogor, Indonesia, formally established in 1996. Telapak's objective is to conduct high quality research on key natural resource management issues, translate the results into persuasive policy advocacy at national and local levels, and to work closely with local NGOs and communities to build their own capacities as resource managers and advocates *(Indonesia: West Papua, Moluccas, Sulawesi)*.

The information on Sarawak consists of re-edited material provided by the Switzerland based *Berne Declaration*, an independent association for development politics working on sustainable development, equitable relations in trade, finance, and cultural exchange; and the also Switzerland based *Bruno-Manser-Fonds*, a support organisations for indigenous peoples in tropical forest areas, with a focus on Malaysia.

South Asia

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Africa

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Sidsel Saugestad holds an MA in anthropology and has done extensive field research in northern Norway, Zimbabwe and Botswana. Her main areas of interest are ethnic groups and boundaries, indigenous peoples, human rights and cultural change. At present she is an Associate Professor in the Department of Planning and Community Studies, Institute of Social Science, University of Tromsø *(Botswana)*.

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Part II

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Jens Dahl (see above, Arctic)

Inger Sjørslev, anthropologist, is director of the international secretariat of IWGIA.

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PART I

THE INDIGENOUS WORLD

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THE ARCTIC

Arctic Environmental Protection Strategy to Become Part of the Arctic Council

In September, 1996, the eight arctic states: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the USA finally agreed to sign the Arctic Council Declaration which provides for the establishment of the Arctic Council. The Council is an umbrella organisation encompassing the existing Arctic Environmental Protection Strategy (AEPS) and future programme areas such as sustainable development.

The Arctic Council preparations leading to a first meeting of the Arctic Foreign Affairs Ministers in 1998 is chaired by Canada, which first presented the idea of an Arctic Council in 1991, inspired by the Finnish Initiative leading to the establishment of the AEPS in Rovanemi, Finland, in 1991.

The AEPS, currently chaired by Norway, is preparing for its last meeting of the Arctic Ministers for the Environment to be held in Alta, Norway, in June 1997. Meanwhile, the eight arctic states along with the permanent participants represented by the ICC, the Sámi Council and AIPON are preparing the Councils' Rules of Procedures and Terms of Reference for the Sustainable Development Programme.

The Inuit Circumpolar Conference (ICC)

In 1996 the Inuit Circumpolar Conference (ICC) received the Nordic Council Environment Award for its outstanding project report on the implementation of Agenda 21 of the Rio Declaration entitled 'Agenda 21 from an Inuit Perspective'. The report contains an analysis of Agenda 21 as it applies to Inuit in the Arctic. The Award of DKK 375,000 was granted to ICC Greenland to be used for a transcription and adaptation of the report into Greenlandic.

Aqqaluk Lynge, Vice-President of ICC Greenland replaced Rosemary Kuptana, former president of the Inuit Tapirisat of Canada (ITC) as the President of the ICC in late fall of 1996. Rosemary Kuptana was elected president of the ICC during the ICC General

Assembly in Nome, Alaska, in 1995. Aqqaluk Lynge, who has been a member of the ICC Executive Council for many years, will act as the interim president until the next ICC General Assembly to be held in Greenland in 1998.

GREENLAND

Since the 1950s and until today, development in Greenland has been characterised by the fact that a number of key issues continue to surface in the political debate and societal planning.

The introduction of self-government in Greenland, in 1979, symbolically, as well as in real terms, represented a major historical turning point. This meant the transfer of political decision-making powers in a wide range of areas from the Danish Government to the Greenland Home Rule Government. However, it also included the transfer of the responsibility to handle the many unsolved problems linked with development of Greenland's society toward greater economic independence.

In terms of gaining control of economic development in Greenland, one of the major challenges has been the take-over of the industrial sector between 1979 and 1985. In this process, the most important means of political steering was public ownership and control over the major companies in the areas of trade and commerce, fisheries and infrastructure.

Restructuring of the Home Rule Owned Companies

The political agenda in Greenland continues to reflect the on-going process initiated in the beginning of the 1990s, aiming to improve development conditions for Greenland's industrial sector.

One of the target areas in this process has been to reduce surplus capacity of publicly owned companies in order to reduce prices and to enforce competitiveness. In many respects it is a painful process which, however, has been accomplished amidst an overall political consensus.

To achieve these goals the Home Rule owned fishing company Royal Greenland has been forced to close down a number of commercially non-sustainable fishing plants. In order to avoid unemployment, however, the Greenland Home Rule Government and Royal Greenland have agreed to promote alternative fisheries production in these plants by means of government subsidies and make-work projects. Selection of alternative projects aims at creat-

ing future commercially sustainable production facilities and products. The critical prospects of Greenland's fisheries also prompted the Home Rule Government to introduce programmes granting financial support to take fishing vessels out of commission in order to make the remaining fleet more economically efficient.

Another target area has been the transformation of the strongly centralised public regulation of a planned economy towards a market economy. The most important instrument in this process has been the restructuring of the former Home Rule governed enterprises in order to transform them into independent liability companies. This transformation has resulted in a distinct separation of responsibility and competence between the political system, regulating authorities and the board and management of the companies.

In 1991 Royal Greenland was the first company to become restructured, followed in 1993 by the Home Rule owned Greenlandic trade company, Kalaallit Niuerfiat (KNI). KNI was divided into three independent companies: a service, a retail and a shipping company, each with separate tasks. Following a difficult adjustment process over the past three years, these companies are now showing positive operational results. However, there continues to be widespread discontent in society with the supply of goods in rural areas. Therefore, the Home Rule Government has proposed that all other services except the supply of goods be transferred from KNI Service to other companies.

The first step in this process will be the transfer of mail services to Greenland Telecom, Inc. Other plans involve the possible transfer of shipping activities from KNI Service to Royal Arctic Line. This new restructuring of the companies aims at establishing a corporate structure for KNI.

An integral part of the political motivation to commence this major process was initially to provide a basis for privatisation - in parts or in full - of the Home Rule owned companies. The political focus on privatisation has now been reinforced following completion of the transformation, mainly due to pressure from private enterprises.

Contrary to the political consensus which has characterised development until now, the privatisation issue is expected to result in a stronger political polarisation between the government coalition of the social democratic party, Siumut, and the right wing party, Atassut, on the one hand and the left wing party, Inuit Ataqatigiit, on the other. Despite the initial intention, Inuit Ataqatigiit is now proposing stronger public regulation of the corporate companies.

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Strategic Elements of the industrial Policy

To strengthen the economy in trade and industry, the political goal has been to lower or stabilise the prices on public services such as electricity, water, central heating and telecommunication. This strategy has been a success for both the public and private sectors and has also benefited private citizens. To prevent pressure for higher wages, which would harm the competitiveness of the enterprises, the rent in public housing is fixed at a certain level. This has a great effect because public housing represents more than 90% of the housing market. With the same purpose, national taxes have remained virtually unaltered since 1991.

The industrial strategy primarily focuses on three main sectors: fisheries, oil and mineral resources exploration and tourism. Fisheries continue to be the dominating trade occupying some 20% of the workforce and representing 95% of Greenland's total exports, of which shrimp make up 80%. Greenland is clearly extremely dependent on its fisheries for employment and maintenance of its economy and is consequently very sensitive to fluctuating prices at the international market. As an example, Greenland is currently experiencing a weakened fisheries export income following a period with increasing market prices on shrimp. In addition, parameters such as climate, biology and availability of resources makes the fisheries extremely vulnerable.

In an international comparison, Greenland's fisheries are characterised by a common political understanding between the interested parties to ensure a sustainable utilisation of fishing resources by using, for example, quota systems.

Fishing in Greenland's waters is still above the recommended level according to biological advice. However, there is a strong political will to gradually lower the allowable catches by way of quotas and to reduce the fishing fleet. The overall result of these various initiatives is a much better balance between the fishing capacity and available resources.

Development of tourism is one of the new trades being developed in order to balance the strong dependency on the fisheries. Statistical data on the effect on development initiatives in this area are, however, still insufficient to document a significant impact. The Greenland Home Rule Government's analysis of future potential of the tourism sector points in the direction of a growing demand for hotel and transportation capacity, education and marketing.

A broad political consensus backs the decision to develop Greenland's industrial foundation with the objective of making Greenland more economically self-sufficient. In this context, the most important

decisions in 1995 and '96 were to initiate the construction of four new airstrips and the establishment of a favourable financing system with respect to hotel construction aimed at enhancing the potential for tourism development and other industries such as oil and mineral resources development.

In 1994 the Danish Government and the Greenland Home Rule Government signed a new agreement on oil and mineral resources development. As part of the agreement, both parties invested considerably in a range of preliminary studies to determine the prospects of finding oil, gas and mineral deposits. Politically, the agreement aimed at increasing Greenland's influence upon and responsibility for oil and mineral exploration and exploitation.

Exploration of exploitation of mineral resources are under a special agreement which gives the Greenlandic and the Danish governments mutual veto. Up to a certain level, all income from exploitation of minerals, oil and gas accrues to the Home Rule government. Income exceeding this level will be divided between the two governments following renewed negotiations.

In 1996 there were 62 current mineral exploration licenses and 25 prospecting licenses in force, mainly aimed at finding nickel or diamond deposits. The Greenland based Canadian company Platinova is actively involved in geophysical investigations and drilling for zinc.

In the last few years, there has also been a marked increase in international interest in oil and gas exploration in Greenland, both offshore and onshore. In 1996 the first drilling of an onshore oil exploration well was carried out as a test-drilling. In terms of resuming the commercial oil and gas exploration off the shore of West Greenland, after'20 years of inactivity, an exploration and production license off the Greenland west coast for a group composed of three oil companies: the Statoil, Phillips Petroleum and DOPAS (Danish Oil and Gas Production) was signed in December, 1996. As a result, three exploration licences and nine prospecting licenses for oil and gas were in force in 1996.

To promote the development of this sector the Greenland Home Rule Government established a Minerals Office in 1994 with the prime task of contributing to making oil and mineral resources development into one of Greenland's principal industries and to facilitate the intention of the Greenlandic Parliament and Government to assume increased control and influence on decisions in this area. During 1997 the governments of Greenland and Denmark will negotiate the future organisation of mineral resources administra-

tion. The aim of the Greenland Home Rule Government continues to be the transfer of the responsibility for the administration to Greenland as soon as possible.

Opportunities and Barriers to Development

The political objective to create industrial development and economic growth today faces two fundamental barriers: a very high level of cost and, in spite of the tremendous efforts to promote and facilitate education and training, the level of education continues to be low and does not meet the need for a qualified Greenlandic workforce.

Today, approximately 20% of the wage earners are born outside Greenland, primarily in Denmark. The non-Greenlandic workforce typically occupy jobs which demand academic skills or advanced vocational training. By contrast two-thirds of the Greenlandic workforce has no professional training.

The most recent available data on education - from 1995 - reveals that only some 48% of a year group obtain education beyond primary school, of which only 9% graduate from continuing education at universities or the like. Owing to this critical lack of an educated Greenlandic workforce, the field of education and training receives a considerable amount of political attention and new initiatives are currently taken to increase the level of education.

Within the Greenlandic traffic system, the containerisation of the cargo transportation and investments in new modern ships have already decreased freight costs. Investments in the air traffic system are aimed at transferring the costly passenger transport between coastal towns by ship to the air fleet, thereby reducing surplus capacity.

Telecommunication is a rapidly growing industry and new technology widens the opportunities for new developments in Greenland within areas such as video conferencing, tele-medicine, distant education and data communication in general. In 1997 Greenland Telecom is expected to complete the digitalisation of the communications system hence providing an infrastructure capable of dealing with an expected increase in telecommunication.

Reaching Pragmatic Solutions to Sensitive Issues

The recent development in one aspect of the Thule Case relates well to the discussion on infrastructural development.

While disclosures concerning the major discrepancies in Danish nuclear policy - particularly with respect to the US military air base in Greenland and the recent US proposal for an international

nuclear weapons prison in Thule - continue to make headlines in the media, the Danish and Greenlandic governments have now agreed upon a more pragmatic solution to one of the most pending issues.

The idea is to provide a collective compensation for the overall impact from the US Air Force's presence in North Greenland since World War II, which has in recent years primarily been related to US restrictions on civil air traffic to and from North Greenland involving transit at Thule Air Base.

The agreement, which has been approved by the Municipal Council of Avanersuaq and the Foreign Affairs and Security Committee of the Greenlandic Parliament, replaces an earlier agreement to re-establish facilities at the Uummannaq/Dundas community from where 27 Inughuit families were relocated in 1953 to make room for additional US military installations.

The new agreement includes a cash contribution of US$ 7.2 million towards the construction of airport facilities in Qaanaaq - the largest community in North Greenland - or about half of the estimated cost. The agreement also commits the Danish Government to seek technical assistance and provision of equipment and expertise from the USA. It is expected that the airstrip which will link North Greenland to the rest of Greenland can be in place by fall 1999. The easier access to Qaanaaq and North Greenland is expected to enhance the potential for economic development, for example, in the tourism sector.

In spite of this agreement, a citizens organisation in Avanersuaq, *Hingitaq 53*, has taken the Danish Government to court and demanded proper compensation for relocation and loss of hunting areas. The descendants of the relocatees have also demanded an apology from the Danish Government, but so far in vain.

International Affairs

Greenland is taking a great interest in international affairs. While the Greenland Home Rule Act sets out certain limitations with respect to Greenland's ability to engage independently in foreign affairs, the Act also guarantees Greenland a say in matters of concern to Greenland and provides for a close cooperation between the Ministry of Foreign Affairs in Denmark and the Greenland Home Rule Government.

In practical terms, Greenland participates in all negotiations of relevance to Greenland. In matters concerning the European Union (EU) and Greenland's associated status and fisheries agree-

ment with the EU, a practice has been established whereby Greenland takes the lead and Denmark acts as bystander.

The cooperation between Greenland and Denmark in international affairs has increased considerably over the past few years - to the benefit of both countries. For example, close cooperation exists with respect to the United Nations' dealing with the rights of indigenous peoples: where Denmark together with Greenland, have taken the lead in the promotion of a permanent forum for indigenous peoples in the United Nations system. In the Nordic context, Greenland plays an important and integral role in both the Nordic Council and the Nordic Council of Ministers. Finally, Denmark has strongly promoted Greenland in work of the Arctic Environmental Protection Strategy (AEPS) where Greenland has taken the lead in human health and conservation of flora and fauna components of the programmes under the AEPS.

Katuaq - The Greenland Centre for Performing Arts

The cultural centre, *Katuaq*, was officially opened by a ceremony in mid-February 1997 with the participation of around 500 prominent guests from the Nordic and Arctic countries. Katuaq, with its magnificent architecture, houses the Greenlandic Art School, the Nordic Institute in Greenland and the Greenlandic Theatre, *Silamiut*.

The grand opening featured artists from the Nordic and Arctic countries performing, among other things, drum-dancing, song and theatre. The Icelandic Symphony Orchestra gave several concerts during the week of ceremonies and took time to teach school classes in between.

As a conference centre, Katuaq is currently working towards establishment of an International Training Centre for Indigenous Peoples (ITCIP). The idea behind ITCIP is the often spoken need for training facilities of this nature. In addition, the United Nations Decade for Human Rights Education and the United Nations Decade for the World's Indigenous Peoples have been a source of inspiration and it is hoped that the United Nations will provide a blueprint for the initiative.

ALASKA

In Alaska the most important event in 1996 was the court decision in the *Venetie* case. On 20 November, 1996, the Ninth Circuit Court of Appeals reversed a decision by a lower court that the village of Venetie in fact *does* occupy Indian (indigenous) country. The es-

sence of this is that Venetie, and other indigenous villages in Alaska, have the legitimate authority to exercise some measure of self-government.

The case started in 1986 when the Native Village of Venetie Tribal Government attempted to impose a business tax on a contractor hired by the State of Alaska to build a new school in the village. The State of Alaska took the decision to court claiming that the village was without territory, i.e. Indian country, and thus had no power to levy the tax.

The Natives of Venetie, the *Neets'aii Gwich'in*, reside on 1.8 million acres of land in northeast Alaska. The Secretary of Interior of the Federal Government in Washington, D. C. set aside this land as a reserve in 1943. The Alaska Native Claims Settlement Act (ANCSA) revoked the reserve, but allowed the Native Corporations (in 1971, ANCSA established 13 regional and more than 200 village corporations) formed for Venetie and Arctic Village to opt out of ANCSA and receive simple title to their former reserve lands. The shareholders elected to do so, and in 1979 the ANCSA corporations transferred title to the tribal government, and the ANCSA corporations were dissolved in 1981.

The ruling by the Ninth Circuit Court of Appeals recognised for the first time that the 1971 Alaska Native Claims Settlement Act did *not* abolish native self-government powers over their people and lands.

What the Court of Appeals said in its decision is that this historical right of self-government repeatedly recognised in treaties and federal statutes has, for Alaskan natives, never been abrogated by the Federal Congress - the only entity with the power to do so.

Specifically, the court said that Congress did not, in the ANCSA, extinguish these powers. The court's conclusion was based in part on a long-standing principle that ambiguities in treaties and statutes affecting Native Americans will be construed in favour of the weaker sovereign and in part on other evidence of congressional intent.

Before the court decision, the Federal Government had recognised that 226 Alaskan native villages were tribes with unextinguished powers of self-government. It is also the case that lands given to the ANCSA corporations might constitute Indian country and thus be subject to tribal jurisdiction.

The implication of the decision of the Court of Appeals will be that other Alaskan native villages can claim their lands to be Indian country. There are, however, conditions which imply that this does not hold for all native villages. One of these conditions is that only

lands which form part of the community will be Indian country. Accordingly, village corporation lands that are not continuous and far removed from a village would not likely be part of the community and therefore would not be considered Indian country.

The rulings of the Court of Appeals will imply that those tribes (villages) that have Indian country status can engage in a number of activities regulated by themselves. First of all, there will be a number of government programmes and facilities like acquirement and disposal of real property; raising and spending of government funds; land-use regulation; child welfare and day care services; the running of community utilities and sewer and solid waste facilities; maintenance of roads and other infrastructure; alcohol control; and regulation of marriage, inheritance and adoption.

Besides these activities, a recognised tribe can set and enforce its own laws. Within limits as stipulated by federal and state laws, the tribes can adjudicate crimes and civil disputes, limit access to tribal lands and impose fines and criminal penalties of no more than one year in jail.

While the decision by the Court of Appeals has been hailed by indigenous peoples all over the State of Alaska, the reaction by the holders of power has been less enthusiastic. Alaska's two members of the US Senate have criticised the Venetie decision and threatened to introduce measures to nullify the ruling. This can be a reality if either the State of Alaska does not appeal the court decision to the US Supreme Court in Washington, D.C. or if the Supreme Court refuses to take the case.

The state of Alaska did appeal the decision, and in June, 1997, the Supreme Court decided to hear the case.

Sources:
Anchorage Daily News; David S. Case; State of Alaska; Tundra Times

RUSSIA

In 1996 the social and demographic situation of the indigenous peoples of the North, Siberia and the Russian Far East continued to deteriorate. This was also reflected in official documents. In 1996 the results of the federal 'Programme for Economic and Cultural Development of the Small Indigenous Peoples of the North for the years 1991-1995' (which was prolonged to also include 1996) were

summarised. In September, 1996, a similar programme for the period until the year 2000 was launched. On 1 October, 1996, the Russian daily newspaper *Rossiiskaya Gazeta* published the text of this new programme together with figures about the implementation of the 1991-96 programme.

In the paragraph entitled 'The present social and economic stage of development of the small indigenous peoples of Russia' it was stated that '...one of five unemployed in Russia is resident in the North. Half of the total sum of unpaid salaries are owed to northerners' [this figure also covers non-indigenous residents of the northern regions]. 'The average life expectancy in the North is three to four years below the national average for all of Russia, and among the indigenous population it is ten to eleven years below that'. In total, only five to twenty-one per cent of the total programme tasks were solved due to lack of funding.

A 1996 annual report of the Ministry of Labour and social development of the Russian Federation entitled 'Labour and employment of the small peoples of the North' states that in 1993-95 the number of employees from among the small indigenous peoples of the North in their traditional areas decreased by thirty-six per cent. 'Research shows that although over sixty per cent of the indigenous peoples of the North still orientate themselves towards traditional activities, the number of people employed in these fields of work is decreasing. While at the beginning of 1993 fifty-three per cent were employed here, in early 1996 this figure had fallen to only thirty-nine per cent ... at present up to twenty-five to thirty per cent, and in some settlements even up to one hundred per cent of the able-bodied indigenous population are in fact without employment. At present, forty-eight per cent of the aboriginal population over the age of fifteen have an elementary and incomplete secondary education [meaning that they do not finish secondary school], seventeen per cent have not even completed elementary school and half of those are totally illiterate. In 1995 a decline in the rural indigenous population in the North was noted. Thirty per cent of all deaths among the peoples of the North are caused by various kinds of violence, whereas the national figure is eleven per cent. The suicide rate in northern indigenous communities is three to four times as high as the corresponding all-over average.'

This was how the responsible state bodies in charge of this field summarised the results of the state nationalities policy towards the indigenous peoples of the North, Siberia and the Far East. The

political aim was the complete integration of the communities of the northerners into Soviet and post-Soviet modernised society, including bringing up children outside their families, in kindergartens and boarding schools, teaching the standard general curriculum and securing one hundred per cent employment in fields far from conditions of the traditional way of life of indigenous peoples. Now that centralised government control of the remote areas has collapsed and state programmes lack budget support, indigenous peoples have been left to the mercy of fate. They find themselves outside of the new market economy and are left on the verge of extinction.

Indigenous Rights

Indigenous peoples of Russia and indigenous peoples of the North are still not vested with legal rights. The federal bill titled 'The Fundaments of the Legal Status of the Small Indigenous Peoples of Russia' should, according to the original schedule, have been passed in 1992, but it has instead once again been deferred indefinitely.

After a lengthy and complicated tour through the legislative bodies the bill ended up in a conciliatory committee. Here, A. I. Nikulin, member of the Committee on Federal Affairs of the Federal Council, opposed it arguing that passing the law would bestow a doubtful benefit on the peoples in question since the Russian Parliament had not yet ratified International Labour Organisation (ILO) Convention No. 169. What Mr. Nikulin forgot was that this bill came into being in order to implement the provisions of this same ILO Convention. Eventually, due to technicalities, the title of the bill was changed and it has to pass through all stages of the legislative process.

Settlement Areas and Access to Natural Resources

As a result of the aforementioned, indigenous peoples have no guaranteed rights to natural resources. At the same time, privatisation of resources and exploitation of natural wealth is continuing in the areas where they traditionally live and carry out their activities.

A decree issued by the President in December, 1993, 'On the State Programme for Privatisation of State and Municipal Enterprises in the Russian Federation' turned out to have dramatic consequences for the North. In one year the property of most of the former *kolkhozy* (collective farms) and *sovkhozy* (state farms) was privatised together with housing and land. Former state enterprises

for extracting and processing natural resources, including traditional ones, were turned into shareholder companies. Plots of forest were leased to individuals for the purpose of developing hunting and fishing for tourists. Outsiders, as a rule, have become the real owners of natural resources and they often do not even live in the North. A rapid and barbarian exploitation of these resources going far beyond the presidential decree poses a new threat to the bases of livelihood and ethnic survival of the small indigenous peoples of the North.

At present (April 1997) the State Duma (Parliament) is reading a new law 'On Land' which suggests the introduction of private land ownership. This law will probably benefit most citizens of Russia, but in the areas of settlement of the indigenous peoples it will cement the ownership of today's proprietors and leaseholders of land and surface resources and deprive the indigenous peoples of the last hope of regaining access to their natural resources.

Large enterprises like Gazprom operate in northern regions and the Far East in the traditional Soviet manner. As before, a narrow circle of persons (people from Gazprom and the local administration) make decisions about the prospecting and development of new gas and oil fields in western Siberia without the consent of the indigenous peoples, without publishing their plans and without asking for expert opinions. Indigenous inhabitants of the Khanty-Mansi and the Yamal-Nenets National Okrugs (administrative regions) will wake up one pretty morning to see new drilling rigs towering over their traditional pastures. The indigenous peoples have no legal documents substantiating their right to the land used by them, and their protests have no legal weight and are simply ignored. The administration and the companies will suggest to the people that they move to some larger village and will promise them housing. This is what most people will do, thus ending us as lumpen-proletariat in the large village; most will probably start drinking.
The plans for extraction of oil and gas in the sea shelves of the Sea of Karsk, the Bering Sea and the Sea of Okhotsk constitute a serious threat to the environmental safety of all of the North, Siberia and the Far East.

In early 1997 drilling activities started in the Taza Bay on the Yamal peninsula. According to the indigenous organisation on Yamal the drilling was started without the consent of the indigenous population. The rash start of work will pollute the Ob, Taza and Pura rivers and constitutes, according to the indigenous inhabitants, a

threat to several endemic species of fish that enter these rivers and may reduce the stock of these valuable fish. Representatives of the Yamal-Nenets Association complained to Gazprom but never got an answer.

In 1996 prospecting works began in the Sea of Okhotsk near the Island of Sakhalin. These works have also alarmed the indigenous population. They are a part of a comprehensive plan for oil and gas development on the sea shelf adjoining the North-East and Far East of Russia. The federal government has jointly with the local governments designed a programme for licensing of oil and gas extraction until the year 2000. Seismologists and biologists warn that this project has not been ecologically substantiated and fear that prospecting in the area may cause a global catastrophe in the Pacific rim. The Association of Indigenous Peoples of Sakhalin have voiced their protests against the plans in the local press fearing that their fishing may suffer from the oil activities. In spite of this work is going ahead.

The existing pattern of settlement of the peoples of the North and their access to traditional resources may also suffer as a consequence of a new law on closing settlements in the Far North which has been proposed by the Committee on Northern Affairs of the Federal Council. On the one hand the law aims at closing industrial settlements which have become unprofitable. But on the other hand the criterion of profitability may also be extended to apply to settlements of the indigenous population, and the law has no guarantees against this.

Eventually, the local administrations - in agreement with federal bodies - will be vested with the right to close any village or settlement which they should consider unprofitable. As a result, the right of citizens to choose freely where they want to live is violated, and indigenous peoples may become excluded from using their traditional lands.

In 1995 Russia signed and ratified the Convention on Biodiversity. Nevertheless, some provisions of the Convention are being violated.

According to Article 8j states are obliged to take environmental protection measures in areas inhabited by indigenous peoples only with their consent and participation. Unfortunately, in the State Duma only few delegates take an interest in indigenous peoples and the legislation meant to implement the convention find little support.

The IWGIA national group in Moscow and the Russian organisation of WWF (Worldwide Fund for Nature) have joined forces and defined principles for ethno-ecological territories as a special category of protected territory. The aim is to influence federal legislation on protected areas and get this new category into law.

The Third Congress of the Association of the Small Indigenous Peoples of the North, Siberia and the Far East and the Indigenous Movement

The movement of the indigenous peoples of Russia came into being in 1990 when the Association of the Small Indigenous Peoples of the North, Siberia and the Far East was founded. But so far this organisation has no precise programme of action.

This was evident at the third congress which convened on 27-28 March, 1997, in Moscow. The delegates primarily focused on matters of organisation and procedures at the congress itself, whereas less energy was put into drafting a programme of action for the next three years.

In their reports the delegates described the precarious situation of the indigenous peoples of their particular regions and came forward with their views on the achievements of the retiring president of the Association. Few came forward with concrete suggestions for future activities of the president elect, the Co-ordination Council (supreme body of the Association between congresses) and the relevant bodies of state power.

It was obvious that the Association still needs to accomplish a lot before it gains the necessary strength to become a strong effective organisation both locally and centrally. The Association has so far been reluctant to extend membership to all ethnic groups who may wish to join. The founding congress accepted only twenty-six peoples of the North according to a list made up in 1927 by the All Russian Central Executive Committee. Representatives of the *Shor*, *Komi*, *Veps* and *Karelian* peoples were present at the founding congress were also but they were not accepted as members since they did not officially enjoy the status of 'small peoples of the North'. In 1993 four peoples gained the right to join on equal terms with the peoples of the North: Shors, *Teleuts*, *Kumandins* and *Chulyms*, but only after the government had issued a decree on this.

While the law on 'The Fundamental Legal Status of the Small Indigenous Peoples of the North' was being drafted the Institute of

Ethnology and Anthropology of the Russian Academy of Science prepared a new list of indigenous peoples including all indigenous peoples and ethnic groups of the North, Siberia and the Far East whose members had preserved a traditional way of life, use of nature and culture. This list had forty-nine entries and was published in the journal *Etnograficheskoe obozrenie* No. 1, 1995 together with the draft bill.

The Association, however, is still reluctant to accept new members and was even prepared to exclude again one of the newly accepted members on the basis of a doubt expressed by the State Committee of the North (Goskomsever). This happened in 1997 to the Chulyms.

There seems to be a fear that accepting new member groups may turn out to be detrimental to the interests of the old ones. The state budget has limited means for indigenous peoples. If the number of ethnic groups increases there will be less for the twenty-six 'legitimate' small peoples of the North.

On the other hand, it is a fact that relations between the 'illegitimate' groups and the old recognised groups are far more flexible at the regional and local levels. Locally, the legitimate groups support and help their illegitimate fellow indigenous. This spirit does not, however, find the desirable support among the Moscow indigenous leadership.

The Association is still to a wide extent dependant on state funding and this is mirrored in the political programmes and actions of the organisation. Ideas like uniting all indigenous peoples of the North, Siberia and the Far East in the struggle for their rights and ensuring an ecologically sustainable use of the environment in their traditional areas have so far not found understanding among the leadership of the Association.

Fortunately, a new generation of indigenous leaders is on its way. They are people learning to size up the situation in a sober and realistic manner and to be open to new ideas. In 1996 the training of such new people from among the indigenous population started in two directions.

In some speeches at the Third Congress of the Association new judgements and ideas were voiced. Many delegates pointed out that the uncontrolled sale of alcohol by private businessmen and the voracious exploitation of natural resources from territories of the indigenous population will lead to genocide of these peoples. Some delegates presented concrete data on the social and demographic

condition of their communities and found it important to inform about the level of unemployment, alcoholism, mortality and birth rates. At this congress one could for the first time hear several appeals to create ethno-ecological reservations for the indigenous population. Unfortunately, this point was not, however, reflected in the final resolution of the congress.

Some delegates gave a pessimistic assessment of the central state bodies' possibilities of implementing a new state programme for the North and did not believe that federal legislation ensuring the rights of indigenous peoples could be passed within a foreseeable future. They called for a new and more realistic system of making agreements between regional organisations and local bodies of state power.

Sergei Nikolayevich Khárjuchi was elected new president of the Association. He represents the Association in the Yamal-Nenets Autonomous Okrug and enjoys a well deserved authority in the Association. He is a social scientist; has worked in legislative and executive organs of the Okrug; graduated from the Academy of State Service at the presidential administration of the Russian Federation; and wrote a dissertation about the rights of the small indigenous peoples of the North, Siberia and the Far East. In his programme of action he defines his main tasks: first, to unite the regional and Moscow leadership of the indigenous movement, uniting the two Moscow based Associations and numerous foundations in the solution of common tasks. Secondly, to revise the structure of the leading bodies of the Association, extending the number of vice-presidents of the Association so that each will have special assignments. And finally, to create a Council of Elders of the Association. The main line of work is to ensure land rights of the indigenous peoples.

Support Organisations

In July, 1996, the fund 'Lauravetlan' (headed by Oleg Yegorov, representative of the Chukchee Council of Elders of the Chukotka region) together with the Sámi Council was given a grant within the TACIS programme. This money is financing the Moscow based Information Centre for Indigenous Peoples. The Centre is associated with the journal *Severnye Prostory* (Northern Expanses).

Representatives of the indigenous organisations receive three months of training at the Centre. They are taught the basics of

human rights, collective rights of indigenous peoples, learn about Russian and international legal acts, and get an idea of the work of federal bodies handling affairs of indigenous peoples. Furthermore, the Centre offers computer training and publishes its own newsletter.

Since 1996 the IWGIA National Group in Moscow has published its newsletter 'Zhivaya Arktika' (Living Arctic) in order to extend the network of correspondents and carry out information and consulting work in support of indigenous peoples in a more systematic way. 'Living Arctic' publishes national and international documents on the rights of indigenous peoples, as well as articles on environmental protection and development of traditional use of nature. It is distributed free of charge to organisations of the peoples of the North, Siberia and the Far East as well as to local ecological organisations. The IWGIA National Group co-operates with the Information Centre for Indigenous Peoples by exchanging information.

SÁPMI

A joint Sámi convention, Arctic cooperation and representation in the regional 'Barents Region cooperation' were some of the topics discussed at the 15-18 October, 1996, conference in Murmansk in which Sámi from Russia and Scandinavia met with other indigenous peoples from the Barents Sea region and Siberia. The framework for the event was the '16th Sámi Conference' and the 'Indigenous Peoples of the Barents Region Conference', held jointly for the first time (See *Indigenous Affairs* No. 4 October/November/December 1996). The Sámi Council unanimously adopted a motion drawn up by the Sámi Council's legal committee for a resolution on a Sámi convention for all Sámi people. The Sámi live under four different legal systems. Therefore, it is important to harmonise the nation-states' legislation, just as there is also a need to coordinate the political treatment of issues which affect Sámi in several countries. The Sámi Convention must also guarantee certain basic norms. The manifold problems with cooperation, organisation and contacts across national borders would be helped by a joint Sámi Convention.

Norway

On Thursday the 4th of February the Sámi Rights Committee presented the second report about 'Nature as the basis of Sámi culture'. The Sámi Rights Committee was founded in 1980-81, and in 1984 the first report, 'NOU 1984:18, About the Sámi legal posi-

The 16th Sámi Conference and The Indigenous Peoples of the Barents Region Conference, Mormansk 1996. Photo: Claus Oreskov

tion', which formed the basis for the Sámi Act and the establishment of the Sámi Parliament in Norway in 1989, was issued. The second report is primarily about the rights to the natural resources in Finnmark (northern Norway), where the majority of the Sámi people live. The Sámi Rights Committee proposes establishment of a Finnmark ground administration as a new organ to administrate the ground and non-renewable resources in Finnmark.

The Finnmark ground administration would have a board consisting of eight members. The municipality of Finnmark and the Sámi Parliament would appoint four members each. The Finnmark ground administration would be in charge of the alienation of land and resources and it must have a strong influence on mineral activity and other activities radically interfering with nature in Finnmark. Five of the Sámi Rights Committee's seventeen members propose the establishment of a Sámi ground administration, which should replace the Finnmark ground administration in the municipalities that agree to it. The Sámi ground administration should have a board of seven members. The Sámi Parliament would appoint five members and the Finnmark municipality two. The difference between Sámi ground administration and Finnmark ground administration organised as an independent legal status would be that the Sámi representation on the

board and at yearly board-meetings will be stronger in Sámi ground administration than in Finnmark ground administration.

The Sámi Rights Committee proposes that the municipalities and hamlets be strengthened through an increased right to self-administration of the renewable resources. The use of non-cultivated natural resources has been and still is very central in Sámi culture. Therefore, the Sámi Rights Committee thinks that by supporting the local peoples admission to their own non-cultivated nature it will be possible to promote the preservation and development of Sámi culture and customs. The municipalities will administrate the renewable resources inside their area, managed by a municipal non-cultivated nature council. In particular, these resources include salmon fishing in lakes and rivers, hunting and trapping, collection of eggs and down and cloudberry picking.

A further decentralisation of the administration is proposed through the establishment of hamlet administrations. Everybody who is a resident in a hamlet where a hamlet-administration is established will be entitled to use of the area. Actual use of the hamlets must be an important basis for the demarcation of the areas. The hamlet people must form the majority on the hamlet-administration in proportion to the rest of the population in the municipality, something they have not previously enjoyed. The hamlets must also be able to carry out local preservation, sell game licences and distribute hunting and trapping equipment. The rights of the Sámi reindeer herds must apply to the law of reindeer herding in the hamlet-administration areas. It is very important that the Sámi right to reindeer herding is not weakened through the establishment of the hamlet-administration. The Sámi Parliament has proposed two years of hearings where the Sámi organisations can discuss the contents of the report.

In Sámi society there are many different attitudes and interests which are reflected in the report of the Sámi Rights Committee, and they expect an animated and enriching debate. Some are disappointed and others are pleased that the proposal of local management is not based on ethnic background. Three distinct ethnic group live in Finnmark: the Sámi, immigrant Finns (kvaner) and immigrant Norwegians. The Sámi Rights Committee has solved the Sámi ethnic question so that where the Sámi people are the majority they will be in control of the renewable resources through the local democratic organs. Some think that this is a very simple solution for

a very complex problem. Svend-Roald Nystø, leader of the Association for Norwegian Sámi and a member of the Sámi Rights Committee emphasises to the many discontented that the report of the Sámi Rights Committee is to be seen as the beginning and not the end. It is now the beginning of the lobby work and the preparation of the law, and it is here that Sámi organisations will have the possibility to make known their points of view.

Sweden

On 25 November, 1996, the European Commission of Human Rights refused to act on thirty-eight Sámi villages' complaint regarding the rights to the small-game hunt in Sámi areas. The background of the Sámi villages' complaints was a new law which the Swedish Parliament passed in 1993.

This law opens up small-game hunting above the cultivation line and in the reindeer grazing mountains. The Sámi right to hunting and trapping which is recognised in an earlier act on reindeer herding (1971:437) was declared invalid. That the Sámi can not manage the hunt in Sámi areas is not only a violation of Sámi rights, but also an inconvenience for reindeer herding. The European Commission of Human Rights refused the Sámi villages' complaint on the grounds that the Sámi villages may bring proceedings against the state in ordinary courts of law. The Commission notes that the dispute in the present case concerns the applicants' rights to hunt and fish in certain areas. These rights are 'civil rights' within the meaning of Article 6 para.1 of the Convention. Thus, this provision is applicable to the present complaint.

Sources:

European Commission of Human Rights Decision as to the admissibility of Application No. 27033/95 by KONKAMA and thirty-eight other Sámi villages against Sweden.

Indigenous Affairs No. 4 October/ November/ December 1996.

1. Lubicon

2. Innu

3. Blackfeet

4. Shoshone

NORTH AMERICA

USA

Blackfeet Nation

Once again, the drilling stop in the Badger-Two Medicine Area was prolonged, this time until 30 June, 1997. This is already the third postponement of granting permission to drill for oil and could be regarded as the final decision by federal authorities. Nevertheless, this remnant of wilderness once covering the whole Northwest of the USA is still in danger of being destroyed by oil wells, access roads and pipelines.

Although US Secretary of Interior Bruce Babbitt announced the creation of a so-called Blackfeet Traditional Cultural District (BTCD) within the boundaries of the Badger-Two Medicine Area, according to the National Historic Preservation Act (NHPA), the recently issued Environmental Impact Statement (EIS) of the US Forest Service (USFS) discloses large-scale threats to the area as a whole. The USFS recommends excavation to search for oil and minerals. The chances of finding oil are about 0.5 per cent while the price would be destruction of the sacred sites of the Blackfeet Nation and contamination of an intact tract of wilderness with industrial and traffic noise and oil residue from leaking pipelines and oil wells. To add insult to injury, it appears that the oil companies Chevron and Petrofina, which have already obtained permission to drill, will be allowed to build access roads and other facilities within the BTCD.

The involved oil companies, Chevron (American) and Petrofina (Belgian-American), are only the assault parties of the mining industry. The seduction of huge mineral resources in Alaska and the northern part of the USA is overpowering. Already obtained permission to drill for oil would create a precedent by opening these reservoirs, which lie on indigenous territory, for economic exploitation.

The recently published study about the controversy over oil drilling in the Badger-Two Medicine Area by Prof. Dieter Dörr,

Chair in Public Law at the University of Mainz, concludes that from the point of view of international law, the Blackfeet hold the right to self-determination just as other native American nations do. The rights of the Blackfeet are safeguarded by international law. By granting permission to drill for oil, the rights of the Blackfeet implied in the agreements of 1855, 1895 and later adjustments would be impaired. Dörr gives many arguments that are useful for other native-American nations by referring to various sources in American law, United Nations declarations and official statements by US representatives at UN and CSCE conferences.

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Leonard Peltier

Despite world recognition of his case, Leonard Peltier remains imprisoned. In 1977 he was convicted of the murder of two FBI agents, which he denies having committed. Although the US Parole Commission denied him parole, the struggle for Leonard's freedom continues. Both the possibilities of presidential clemency and re-extradition to Canada with a following renewed investigation of the circumstances of the extradition in 1976 remain. Both legal decisions have been postponed by President Clinton and the Canadian Minister of Justice Allan Rock for four and three years respectively. It is urgent that letter and fax campaigns continue to pressure for a speedy decision.

The US and Canadian defence committees were very active in organising support campaigns. A very important event was organised by them in 1996, together with various European support groups. They organised a *Freedom Run for Leonard Peltier and all Indigenous Peoples* that started in Auschwitz, Poland, and passed through Slovakia, The Czech Republic, Austria, Germany and France

to Geneva, Switzerland. During the run many meetings were held where the public and press of those countries were informed about the state of indigenous peoples and Leonard Peltier's case. The runners were both representatives of North and South American indigenous peoples and European activists. The final part was a prayer vigil held by representatives of indigenous delegates at the fourteenth session of the UN Working Group on Indigenous Populations.

Another notable event was release of the CD *Pine Ridge - An Open Letter to Allen Rock (Songs for Leonard Peltier)*, initiated and coordinated by the Canadian rock musician Greg Keelor. He was inspired by Frank Dreaver, founder of the Leonard Peltier Defense Committee Canada. The CD was released by Warner Music Canada and features songs by Sarah McLachlan, Jane Siberry, Ashley MacIsaac and The Skydigger. It also includes original recordings by Greg Keelor and Jim Cuddy of Blue Rodeo, Bob Wiseman, and spoken word poet Michael Ondaatje.

The former Canadian Minister of Indian Affairs and committed supporter of indigenous peoples, Warren Allmand, MP, made a statement in the US Senate in favour of Leonard Peltier. His statement is available under No. S7170 from 27 June 1996.

In the US, Dennis Banks, American Indian Movement (AIM) Field Director and one of the organisers of the occupation of Wounded Knee in 1973, and Floyd Red Crow Westerman, a famous film and television actor, organised the BRING PELTIER HOME CAMPAIGN TOUR in December 1996. The tour was a success as regards both the artistic performance and the political result.

Furthermore, the Tribal Council of Pine Ridge, South Dakota, where the fatal firefight took place on 25 June, 1975, renewed its support for Leonard Peltier and issued a resolution demanding his immediate release.

Finally, Leonard is in bad physical condition. In February he had surgery to his jaw to correct an old problem. He could not open his mouth for weeks and several complications occurred. His lawyers were not allowed to see the medical records. Soon after the operation, he had to continue to work at the prison furniture factory despite his medical condition. The swelling of his jaw, watery eyes and headaches make this kind of work intolerable for him.

For further information, please contact:

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Leonard Peltier Defense Committee
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Fax: (415) 431-1492

Sources:
Blackfeet Support Group, Berlin
Society for Threatened Peoples, Germany
Big Mountain Action Group
Leonard Peltier Defense Committee, Scarborough, Canada
Native List

Lubicon Lake Indian Nation

The negotiations between the *Lubicon Cree*, the Canadian Federal Government and the provincial government of Alberta, which started in 1988, have gotten nowhere since the Province of Alberta 'withdrew' from a binding agreement made in 1988 in Grimshaw regarding the size of the future Lubicon reserve. Because the provincial government controls the Lubicon territory, the ongoing talks between the Lubicon and the federal government did not make any substantial progress.

Daishowa, the company threatening to clear-cut the entire traditional Lubicon territory of all 10,000 square kilometres, won a court decision against *Friends of the Lubicon (FOL)* who has organised an efficient boycott against the company in Canada since 1992. In granting Daishowa's injunction, the Court found that FOL's primary intent in boycotting Daishowa was to cause economic damage to the company and not to support the Lubicon Nation. Although the Court held that boycotts are not necessarily illegal, it ruled that they are illegal when specifically intended to cause economic damage to the boycott target. The court also denied FOL the chance to appeal the decision. However, the Daishowa boycott is not really

stopped, because the decision applies only to FOL but not to other Canadian organisations and to people outside Canada. US consumer and environmental organisations, for example, have started an international boycott against Daishowa.

There is also a boycott going on in Canada and the US against Unocal/Union Oil of California because it is operating a potentially dangerous sour gas plant in the immediate neighbourhood of the proposed Lubicon reserve and within retained Lubicon territory. This boycott is mainly organised by US organisations. For further information on Unocal please see *The Indigenous Word 1995-96*.

Since the Europeans apparently do not have any economic relationship with Daishowa and Unocal, the Lubicon and FOL call for a boycott of Alberta/Western Canadian tourism. Further information is available in *Indigenous Affairs 3/96* 'A Call For Boycott'.

Though the Lubicon Lake Indian Nation is already confronted with many problems, a new one appeared during 1996. At many places in the province of Alberta, including the traditional Lubicon territory, kimberlite deposits containing workable quantities of diamonds were discovered. Many claims are already marked out around the possible area of a future Lubicon reservation. It is supposed that the multinational company De Beers which controls about 90% of the world's diamond production has the majority of the prospecting rights either directly or indirectly. It is not clear yet wether kimberlite will be harvested by strip or pit mining.

The finding in kimberlite could turn out as a chance for the Lubicon to press both levels of government to settle their land claim because mining companies seek clear legal circumstances.

For further information, please contact:

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Ojibwa Indian as Vice-presidential Candidate

Ojibwa Indian Winona LaDuke was chosen to be vice-presidential candidate for the Green Party (USA) in 1996. Although they had no real chance of winning the election, the selection should be regarded as an important signal as to how cooperation between white

ecologists and Indian activists can work satisfactorily. Winona LaDuke participates in the Green Party in order to draw public attention to native-American Indians' problems. During an interview, she stressed that 'Indians are not poor because they are stupid' and demanded that a society should be measured by the living conditions of the poorest social strata.

Winona LaDuke is heavily engaged in human rights and environmental protection questions. As a member of the White Earth Band of Ojibwa in Minnesota, she was one of the founders of her group's Land Recovery Project. Furthermore, she founded the Indigenous Women Network and is a member of the USA-Greenpeace section.

Political Abuse of North American Natives

Two North American natives, Gerald Northrup (Chippewa) and Edward Godfrey (Dakota Sioux) took part in the Annual Gathering '96 of the German right-wing extremist, nationalistic party DVU (German People Union). This gathering took place on 28 September, 1996, in Passau in southern Germany with about 6,000 German members attending the meeting. While various German speakers expressed racial views and often concluded with 'Germany, über alles' Northrup and Godfrey spoke in their tribe's language about the genocide of the indigenous peoples of North America and native traditions. Neither Northrup nor Godfrey speaks German. Later, when they became aware of the abuse of their attendance at the meeting, they deeply regretted having participated and made it clear that they had no idea of the real purpose of the meeting.

One could ask why a racist, right-wing party is interested in decorating their meeting with indigenous peoples. There are two reasons. The main reason is the desire to show international support and confirmation of their racial and political views. The next reason is probably the German partiality for romanticism. Since the 18th century North American Indians, in particular, have been regarded as either 'savages' or noble-minded chiefs. J. F. Cooper's *The Last Mohican* is one of the most famous examples of the heroic aureole with which North American Indians are often attributed.

Western Shoshone

During 1996 the situation of the *Western Shoshone Nations* improved slightly, on the one hand, and, on the other, became markedly worse.

As mentioned in *The Indigenous World 1995-1996*, Lander County's project of building a recreational dam and park at Rock Creek

(Bah-tza-gohm-bah) was considered a serious threat to an area with significant spiritual and cultural importance, in addition to housing a cemetery. During 1996 massive protest campaigns from Western Shoshone governments, organisations and individuals from Nevada and other parts of the US, and numerous European countries, produced a constant stream of opposition. In addition, in March, 1996, a press conference was held in Reno, Nevada, announcing the Battle Mountain Tribal Council's intent to bring the dam project into costly litigation. The event was attended by over eleven Western Shoshone and Washoe government and organisation representatives.

Faced with massive opposition, Lander County Commissioners turned to their electorate. On the 5 November ballot, Lander County voters were asked whether the Rock Creek dam project should continue to be pursued or if it should be abandoned. Local organisations, including the Western Shoshone Defense Project, Citizen Alert Native American Program, the Battle Mountain Band Council and the Nevada Indian Environmental Coalition circulated fliers and purchased newspaper advertisements to let the county voters

Gold mine on Western Shoshone nation's land (Battle Mts., Nevada). (Photo: Ian Zabate)

BEST COPY AVAILABLE

know the importance of Rock Creek to the Western Shoshone Nation. As the result of these efforts, Lander County's voters overwhelmingly voted down the Rock Creek project 1,522 to 647. As Battle Mountain Chairman Gelford Jim stated, '[the vote proved] ... the protection [of] the right of Indian people to continue to practice their religion in the places we hold sacred as our ancestors did for over seven thousand years.' The official reason why the ballot was held was the large costs. But the importance of the protest campaign should not be underestimated.

Nevertheless, the fact remains that Rock Creek as well as many other sacred places are still vulnerable to future devastation. Rock Creek lies next to what is called the 'Carlin Trend', a world-renowned gold deposit that is currently mined by several transnational gold corporations. No more than a mere 18 miles east of Rock Creek lies one of the larger mines in northeastern Nevada. The mine is pumping over 70,000 gallons per minute from the water table to find microscopic gold particles found thousands of feet deep. Generally speaking, the mining companies are constantly exploring new areas and expanding their operations all over in the area in question. Already now, approximately 60% of America's gold production is centred in this portion of the Western Shoshone Nation's land.

Therefore, the Western Shoshone National Council, the Western Shoshone Defense Project and, in particular, the Dann family are asking for immediate assistance in protecting a site of cultural and spiritual significance. The apparently newly-established Oro Nevada Mining Company filed in September, 1996, a Notice of Intent with the Bureau of Land Management (BLM) to conduct exploratory drilling for gold directly on top of a hot spring located approximately one mile south of the Dann Ranch in Crescent Valley, Nevada. This spring and the surrounding area are of extreme spiritual and cultural importance and are not to be disturbed by mining activity. The hot spring next to the Dann ranch is especially vulnerable because of its low flow. Furthermore, previous exploratory drilling has destroyed other hot springs in the area. To date, Oro Nevada has completed at least four of the planned sixteen thousand-feet-deep holes.

Oro Nevada, which already controls about 94,000 acres in Crescent Valley, and its network of involved companies in the background, was able to raise about US$ 40 million for the purchase of

private and public land. But these land titles are dubious and the Western Shoshone Nation claims that the various allotments are still under its jurisdiction according to the Treaty of Ruby Valley of 1867.

Furthermore, research results show that Oro Nevada's management has previously been involved in mining projects in Africa, on Borneo and in French Guayana, where the activities of their companies caused heavy ecological damage.

The intrusion of mining activity onto this sacred area represents an attack on freedom of religion, a right guaranteed by the US Constitution. In addition, the peace of the grave of Shoshone Mike and his family, who were murdered on the occasion of the last massacre committed against North American Indians in 1908, is threatened by a 300 foot boulder.

In addition, attacks by Oro Nevada and other mining companies such as Santa Fe Pacific Gold Corporation on the religious and cultural freedom and ecological damage to the arid land and its limited water resources is already significant and will be even bigger in near future. Santa Fe's current mines at Mule Canyon and Twin Creek potentially dry up 16 to 23 springs. To this day, the BLM has failed to complete any cumulative impact study of the long-term effects of pumping all this water from the Humboldt River basin. The artificial pit lakes that would remain after mining ceased would have very poor water quality, with different heavy metals and other toxic minerals leaching into the water over time. This means that the Shoshone's cattle stocks and drinking water will be affected over the planned lifetime of the mines of about 15 years.

For further information please contact:
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USA
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E-mail: wsdp@igc.org
Web page: http://www.alphacdc.com/wsdp

Please send protest letters and faxes to US President Bill Clinton, Secretary of Interior Bruce Babbitt, local BLM authorities and Oro Nevada.

Timbisha Shoshone

The *Timbisha* (or *Panamint*) *Shoshone* aboriginal homeland covers approximately 4.4 million hectares in eastern California and northwest Nevada. Of this area, Death Valley National Park contains about 80% of the Tribe's known traditional, cultural and sacred area.

Until the Death Valley National Park was established in 1933, the Timbisha Shoshone had been an integral part of the ecosystem. They were using mesquite, pine nuts and other indigenous plant life for food; developing and preserving springs for their own use and to protect and enhance wildlife; and selectively burning underbrush to prevent forest fires in the mountains.

Establishment of the National Park resulted in loss of a great deal of the Timbisha Shoshone's traditional homeland which was subsequently opened up to long-term visitors. Their possibilities of maintaining their traditional way of life became more and more limited. The Park Service and several federal authorities took over traditional Timbisha functions and managed the park's resources in a way they believed to be not only the best, but the proper method of park management. For these authorities, it turned out that there is no longer room enough for the few dozen Timbisha in the light of millions of day-tripping visitors from the US, Europe and Japan. The Timbisha now only retain a tiny sixteen hectare camp under a series of temporary-use permits. The current attempt to throw the Timbisha off the Park would be the final act of expulsion from their homeland.

Under the protection of the California Desert Protection Act of 1994, representatives of the National Park Service (NPS) and the Bureau of Land Management (BLM) try to deprive the Timbisha of further occupation of their homeland. But the act also demands an environmental study and includes the duty of the authorities to find suitable land for the Timbisha within the park's boundaries. This demand was added after long and persistent lobbying by the tribe in the 1980s. Therefore, the Timbisha are not going to accept a long-term lease agreement of a tiny part of their homeland or the creation of an unwanted reservation outside the Park instead of the above-mentioned temporary-use permits.

A meeting on 7 March, 1996, should clarify the different positions. According to the tribe's press release, "...federal officials from the NPS and BLM told leaders of the Timbisha Shoshone Tribe that

their boss, Secretary of Interior Bruce Babbitt, has decided to throw them off the last remnant of their traditional homelands in Death Valley'.

Based on past experiences, the Timbisha have already realised that American authorities do not hesitate to use all possible measures. In the 1930s the tribe was forced to live behind barbed wire around their relocation camp.

The *Timbisha Land Restoration Proposal* identifies about 350,000 hectares of land that could be used by the tribe for traditional cultural activities. Protection of game, the construction of facilities conforming to their environment and the use of renewable energy technology are some points from the Timbisha's agenda.

In order to defend their land, the Timbisha have initiated an international protest campaign and formed the *Alliance To Protect Native Rights In National Parks* together with the *Miccosukee* Tribe of Indians of the Florida Everglades, the *Hualapai* Tribe of the Grand Canyon, the *Pai Ohana* of Hawaii, the five *Sandoval Indian Pueblos*, Inc. and the Natural Resources Divisions of the *Navajo Nation*. All of these tribes are affected by the overall policy of the NPS that environmental preservation is only possible without disturbing native peoples. But American national bias and prejudice against native peoples' rights created the myth that native peoples were wild and management of parks best when devoid of them. This dictatorial treatment of native peoples is a threat to their physical and cultural survival.

Please send protest letters and faxes to US Bill President Clinton and Secretary of Interior Bruce Babbitt.

For further information, please contact:
Timbisha Shoshone Land Restoration Project
P.O. Box 206,
Death Valley, CA 92328-0206
USA
Tel: (619) 786-2374, Fax: (619) 786-2375

1. Hichol

2. Nahua

3. Maya

4. Tawahka

5. Sumu

6. Miskito

7. Kuna

8. Ngobe-Bugle

9. Embera-Waunan

MEXICO AND CENTRAL AMERICA

MEXICO

The year 1996 was an important year for the indigenous struggle in Mexico and its at least fifty-six major indigenous ethnic groups. Major advances were made that may become significant also for the indigenous movement internationally. After important consolidating work during 1995, the previously scattered movement of indigenous organisations formed a joint force with the EZLN (the Zapatista Army of National Liberation) in the formation of the National Indigenous Congress. The indigenous struggle in Mexico thus became a shared political project.

The most important fruit of this coordinated political work was the signing of the San Andrés Accords on Indigenous Rights and Culture between the EZLN and the federal government, on 16 February, 1996. However, the Mexican Government has later refused to acknowledge the signed agreement, and its future is today highly uncertain. Nevertheless, the agreement has become a significant landmark for the indigenous aspirations of self-determination and equal political and social participation in the Mexican national society. As such it can have political implications for the broader indigenous struggle, especially in Latin America, and its strife to make national constitutions recognise and defend the pluriethnic character of the country.

The San Andrés Accords wish to create what is called 'a new relationship' between the state and the indigenous peoples and present a long range of propositions for changes of the national laws and constitution as well as state policies. The base of this new relationship is a constitutional guarantee of self-determination for the indigenous peoples in Mexico and their right to a distinct culture and ethnic identity. The indigenous communities and peoples should, the Accords say, have the right to decide their internal social, cultural, economic and political organisation and apply their own normative and regulative systems, as long as they do not violate the Mexican constitution or human rights. They should also have a

collective right to the territory on which they live and its natural resources, in accordance with the ILO Convention 169 (which Mexico has ratified).

In the Accords it is emphasised that the indigenous community should become recognised as a legal and administrative entity. When the inhabitants so wish, they should have the right to form larger social units with other communities as municipalities or even as associations of various municipalities, as long as these do not threaten national sovereignty. A new form of federalism is to be created in which indigenous peoples are assured a political participation and representation in the national federation as communities or peoples. This political participation should not have to be in the form of political parties.

The Accords have met great national attention also outside the indigenous groups. Its attempt to create a new, democratic and multiethnic Mexico has been supported by intellectuals, lawyers and social organisations. Others have been more critical, fearing 'balcanisation' and disregard for individual rights within autonomous indigenous communities. In spite of the different standpoints, it seems that, finally, the indigenous demands for self-determination have become not only widely known but also debated as a political project of national concern.

The signing of the San Andrés Accords and the formation of the National Indigenous Congress were preceded by path breaking consolidating work both within the indigenous movement and between this movement and the EZLN, transcending some tensions during previous years.

The first serious attempts of nationwide mobilisation of indigenous organisations and peoples in Mexico was made in 1992 for the 500 years of resistance protests. Although followed by both regional and some international meetings, there was no new national gathering until the National Indigenous Convention in December, 1994. This was followed in 1995 with the formation of ANIPA (Asamblea Nacional Indígena Plural por la Autonomía). During a sequence of national meetings ANIPA developed a proposition for constitutional changes for the realisation of indigenous self-determination and new forms for indigenous political representation and participation.

Parallelly, the EZLN prepared similar demands to be presented in the negotiations which were to begin with the government re-

garding Indigenous Rights and Culture, and which were the first in a series of national issues to be negotiated between the two parties. The first round of negotiation took place in October, 1995. As in previous negotiations, the mediators between the two sides were Cocopa, representing the Congress, and Conai, representing civil society.

During 3-8 January, 1996, the EZLN, together with Cocopa and Conai, invited nearly 500 representatives of over thirty indigenous peoples and organisations from throughout the country, many of which were members of ANIPA, to the National Indigenous Forum. In the Forum, held in San Cristóbal de las Casas, Chiapas, joint propositions for the negotiations were agreed upon. These were presented by the EZLN and their advisors in the concluding round of negotiations in February, where the resulting San Andrés Accords were signed together with the government with much attention from national media.

During the summer and fall there was an increasing pressure by indigenous organisations and communities on the government, expressed in demonstrations and petitions, to present plans for the implementation of the signed San Andrés Accords. They demanded the formation of the promised Implementation and Verification Commission (Cosever) whose task should be to present a legislative initiative of constitutional reforms to the Congress, thus enabling the implementation of the Accords.

Again, both the EZLN and the civil indigenous movement became instrumental in the final formation of such a legislative proposal. The Permanent National Indigenous Forum, formed after the Forum in January on initiative of the EZLN, analysed and articulated together with specialists, lawyers and constitutional experts the different alternatives for transforming the indigenous demands expressed in the Accords into concrete changes in the constitution.

In October the Permanent Forum was transformed into the National Indigenous Congress (CNI) with the EZLN as an integral participant. At the constitutive meeting, held in Mexico City 8-11 October, EZLN was represented by Comandante Ramona, who travelled to the city after assurance from the government on her safety and legal immunity. The CNI assumed as its primary task to assure the implementation of the San Andrés Accords.

The following month, Cocopa and Conai met with the EZLN in Chiapas, and, finally, an Implementation and Verification Commis-

sion was installed with representation of the EZLN, the federal government and civil society. Cocopa was given the authority to draft the final proposal of the text to be presented to the Congress. The two parties, EZLN and the government, were only to say 'yes' or 'no' to whether they would accept the document, with no modifications to the text.

On 29 November, Cocopa presented its proposal of constitutional reforms on Indigenous Rights and Culture to both parties. While the EZLN accepted the proposal, the government requested a 15-day period to examine the text. The response by President Zedillo and his advisors was a counter-proposal which involved some considerable changes of the Cocopa document. After revising the government's response the EZLN rejected it strongly in a meeting with Cocopa on 11 January, 1997. The counter-proposal has also been rejected by the National Indigenous Congress.

The government's counter-proposal, the EZLN , the CNI and their advisors argue, does not reflect the San Andrés Accords on several critical points, especially regarding the definition of who indigenous peoples are, the right to territory, the legal status of the indigenous community and the possibility of communities to jointly form new, mono or pluriethnic municipalities. Several rights granted in the Cocopa proposal are now weakened by the adding of qualifying conditions. In total, the critics hold, it is a text which would not imply any significant improvements of the rights of the indigenous peoples. To the contrary, it is seen as a provocation and display of disrespect. The EZLN argue that the government hereby shows that they are not willing to recognise agreements made in the negotiations, making future negotiations pointless.

The peace negotiations between the government and the EZLN broke down already in September, 1996, when the EZLN presented five conditions which must be fulfilled before negotiations can be resumed. With the current situation, it is uncertain when the parties will continue negotiations. Cocopa has declared it will not present its proposal to the Congress, as it will have little chance to pass, while the EZLN demand that the document indeed should be presented. The CNI has called for a National Mobilisation Campaign for the recognition of indigenous rights and for the implementation of the San Andrés Accords. Some observers fear military action by the government, or a section of the government, against the EZLN, especially since the military presence increased signifi-

cantly after the EZLN rejection of the government's counter-proposal. The general situation of militarisation and hostilities against both the EZLN and the indigenous civil society has become aggravated during 1996, especially during the last months of the year. In Chiapas there are an estimated 40,000 troops, most of whom are located in the conflict zone where the presence of the Zapatista army or support groups is suspected. Hostilities against the population are repeatedly reported. During the year there has been an increased military surveillance in the Sierra Madre region where indigenous peasants are suspected to be armed by the EPR guerrilla, which first appeared in Guerrero in 1995. In the northern region of the state there is a serious climate of confrontations and violence between primarily paramilitary groups or supporters of the ruling party, the PRI, and inhabitants sympathising with the EZLN, indigenous organisations or opposition parties. Similar hostilities against indigenous members of social organisations or opposition parties also take place in other states, notably Guerrero and Oaxaca. The National Indigenous Congress (CNI) has experienced hostilities and repression against its member organisations and social leaders as well as against representatives in the Follow-up Commission of the CNI.

There is also an increase in hostilities directed against NGOs working with and supporting the indigenous movement or the indigenous population in general, or documenting human rights violations. The hostilities take the form of burning of offices or private residences, death threats, kidnappings or hostile 'visits' by anonymous men. Many of these incidents have become known internationally and there has been massive responses by solidarity committees and other NGOs condemning the hostilities and demanding judicial action and protection by the Mexican Government.

The general situation for the indigenous peoples in Mexico is deteriorating, and many experience increasingly difficult living conditions and worsened health. This is largely due to the neo-liberal policies of the government, including among other things continued cuts in state subsidies and credits for the rural sector and deregulation of state controlled prices on agricultural products. One reaction by peasants is the Corn Farmers Movement in Chiapas, which has blocked several highways demanding higher prices on corn. Other reactions are the continued support for the EZLN demands

or the mobilisation of a national indigenous movement and its formation of CNI. Continued progress of the San Andrés Accords and renewed peace negotiations between the EZLN and the federal government are likely to be critical for an improvement of the political climate.

GUATEMALA

In a recent book by Demetrio Cojti (IWGIA Spanish Document No. 20), the Maya Movement is defined as 'a tendency made concrete in one and a thousand ways, by different actors' (p. 11) and 'formed by the group of people who spontaneously or through programmes, seek to defend the right to the existence, and to the development, of the Maya peoples' (p. 46). On the one hand this definition confirms the plurality of the indigenous movements as they exist in Latin America. But on the other hand, it hides an important fact in Guatemala today: the absence of a social organ representative of the *Maya* peoples, so the definition includes any activity or persons who refer to indigenous matters.

This situation becomes more evident when we take into account the most important fact of the past year: the end of a violent confrontation of several decades within Guatemalan society where the indigenous population suffered most. The Maya Movement has been the group of elements Cojti referred to, and which has provided a political opening for society, as seen in the Peace Agreements and the perspectives and potentials which have appeared. But specifically because of this change in the national situation, the challenges and defining elements are currently changing. The Maya Movement, to take advantage of these new potentials, requires a certain level of unity based on representative structures; and this requires the restructuring of the so-called group of 'peoples and entities' with an orientation towards the communities, which was not possible during the years of intensive conflict. The wide gap existing between peoples and entities whose role has been to contribute to a political opening, and the communities, must be closed, and the Movement must be based on the formation of structures among the authorities of the communities.

On 29 December, 1996, the Firm and Lasting Peace Treaty was signed in Guatemala, thus putting an end to four decades of civil war and opening the way for a democracy-consolidation process. The

Agreement was signed between the government and the guerrilla organisations and covers a series of partial agreements where civil society organisations, among them indigenous peoples, have had a say. In spite of having obtained this important objective, a political opening for the indigenous movement within the peace talks that came to a climax in 1996, the indigenous movement and its organisations are still quite weak in their links with the State. The absence of viable proposals, with a backing by civil society representatives, means that there are small probabilities of a discussions agenda being established. At the moment, proposals tend to become a series of specific items lacking a central concept, or a global strategy. It is possible to say then, that faced with a government negotiation strategy, what is missing is the strategy of the indigenous organisations. With this situation real negotiations between the government and the indigenous organisations are difficult, and therefore entail the danger of reinforcing 'radical' tendencies which do not identify and take advantage of the openings mentioned.

The COPMAGUA was created in May, 1994, as the Coordinator of the Maya Peoples Organisations, charged with calling for the participation of indigenous peoples, in the first place to discuss proposals for the peace talks and later with the implementation of the Peace Agreements, especially the Agreement on Identity and Rights of the Indigenous Peoples, signed in March, 1995.

This convocation power has been crucial in converting COPMAGUA into the widest social instrument today existing within the Maya peoples. Formally, COPMAGUA consists of five coordinators and each has a representative in the Coordinating Council; but it also has a series of contacts with many local organisations and people in communities. This puts COPMAGUA in a central position within a movement characterised by an endless number of organisations which individually lack social backing. Because of the Indigenous Peoples Agreement (Acuerdo Indígena), COPMAGUA is in charge of organising the participation of the indigenous peoples as agreed.

The Peace Agreements establish a number of committees, with organisations from civil society and the government to negotiate constitutional reform, and legal and institutional reform, and AIDPI establishes the formation of committees with the participation of the government and indigenous population on the following subjects: reform and participation at all levels and the rights connected with the indigenous population's lands. Special committees are also

established for: sacred places (or spiritual places) and the officialising of indigenous languages.

The Agreement also foresees the creation of a special court for the Defence of Indigenous Women, and states that 'all matters of direct concern of indigenous peoples be dealt with, by and together with them', which is in accordance with ILO Convention 169 which is in effect from the beginning of June, 1997, a year after it was ratified by the government.

COPMAGUA has also held several regional workshops, dissemination activities, departmental fora, and carried out studies. The implementation of eight Permanent National Committees (PNC) has been of special importance: Indigenous Women's Rights; Educational Reform; Spirituality; Indigenous Peoples' Land Rights; Participation at all Levels; Indigenous Law; Official use of Indigenous Languages; and Constitutional Reform.

The PNCs are fora for discussion and unification of proposals and criteria for indigenous peoples, and in the first place aim at formulating proposals in the committees with indigenous participation. Likewise, it is from PNC members that members for the joint committees with the government are chosen. But even more importantly, the PNCs are the widest discussion fora to consider the positions to form a greater and more unified indigenous movement. The only equal committee formed by the government is for educational reform, jointly with the two special ones. Until mid-1997 there have been no signs of implementing land or all-level participation which are, undoubtedly, the most conflictive in Guatemalan society. It appears that the government's interest to use the Committees as an authority to obtain a broader political consensus is not very great. So far the COPMAGUA experiences in the committees have not been very illuminating. Government representatives have access to vast technical support for their work while indigenous representatives lack this support. The government has not approved the budget for the committees either.

Among the subjects dealt with by the PNCs there is no mention of aspects of development. This is because they are not included in AIDPI, as is the fact that financial resources are mainly channelled through different kinds of NGOs. This situation, for the moment, has brought about an artificial division between social organisations and NGOs and weakens the formation of unified positions within the indigenous movement.

In the course of 1997 COPMAGUA has had support to formulate a proposal for a Strategic Plan for the next few years.

The definition for the management of natural resources in indigenous areas is just beginning. In communal forests of the municipality of Totonocapan the lowest deforestation level in all Guatemala is to be found thanks to the control carried out by the communities. But faced with increasing pressure in the past few years for forest resources, the Ulew Che Ja Committee (for the communal forests of Totonicapan) has increased its activities for protection and implemented plans to establish a protected area. Despite having obtained cooperation from the committee, in the past year they have had to face projects with international funding to establish activities in the communities, disregarding the community authorities. The Committee was able to voice their dissent at the meeting of the Central American Council for Forests and Protected Areas in April 1997.

The educational reform was established in the AIDPI Agreement to promote and extend intercultural, bilingual education, among other things. Several projects and pilot experiences have been formulated in the past few years by the Ministry of Education collaborating with local organisations and cooperation agencies. Among them, the Intercultural Bilingual Maya Education Project, has in its first phase worked to improve the quality of teaching in rural schools by training bilingual teachers, and is now focusing on improving the quality of primary bilingual education in state schools. Following a Ministry of Education decision in 1997, the Rafael Landivar University coordinates a team of specialists from different bilingual-education programmes, and turned several state schools into bilingual state schools. In March, 1997, the Ministry for Education announced the National Programme for Intercultural Bilingual Education.

Several conflicts between indigenous organisations and unions have arisen about Decree 484-96 which leaves the administration of various educational centres in the hands of parents because of union opposition to these reforms.

The growing international interest for the situation of indigenous peoples has led to an increase in assistance to different indigenous organisations in Guatemala. However, the coordination of international assistance on this matter has not got very far, so that assistance is handled in a very uncoordinated way and with little attention paid to content. Several international agencies have cre-

ated their own indigenous organisations to be able to channel their assistance.

A bill on the Maya, *Garifuna* and *Xinca* populations was drafted in early 1997 by two members of parliament from the governing party, with no consultation with the Maya organisations; according to analysts it could curb AIDPI proposals, but is unlikely to come through.

ILO Convention 169 was approved by Congress in March, 1996, ratified by the government in June, 1996, and is in effect from June, 1997.

HONDURAS

The gradual advances of the Honduran indigenous peoples' movement over the past years have begun to encounter obstacles as their demands often clash with the economic interests of certain sectors in society.

In 1994 the Honduran State ratified International Labour Organisation (ILO) Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries. That same year the *Lencas* held a protest march to the capital initiating a campaign to fight for indigenous rights. Numerous indigenous peoples from throughout the country joined the march which was called a 'pilgrimage' due to its non-violent and traditional and Christian character. The indigenous participants arrived at the doors of the government buildings and went on a hunger strike until negotiations were initiated and agreements were signed on points which included resolution of land, health, education and infrastructure problems. Nevertheless, the pilgrimage was repeated in 1995 and again in 1996 due to the government's failure to fulfil promises. Throughout this process the indigenous movement was able to consolidate its organisations and more forcibly reiterate its demands. These demands received some support from non-governmental organisations and the government's own legal authorities which have taken on a preponderant role in the current Liberal administration.

Carlos Roberto Reina, president of the Liberal Party, created the Public Prosecutor's Office for Ethnic Groups in order to monitor respect for indigenous peoples' rights. However, the bureaucratic nature of the Office has limited its role to little more than rhetoric about its good intentions.

The Tawahka Krausirpi community (Photo: Alejandro Parellada)

Throughout 1996 indigenous land claims more than ever clashed with *ladino* and *mestizo* interests. The lives of *Tawahka* leaders in the Honduran *mosquitia* region were threatened after they took steps, supported by the Public Prosecutor's Office for Ethnic Groups, to evict settlers and landowners who had crossed the borders of the Tawahka Asangni Reserve, one of Central America's most important rainforests. This conflict made clear that the Tawahka people's greatest enemies were economic and predatory interests of *ladinos* and *mestizos* who advance unchecked in the area. The conflict also revealed the weak presence of the state in this remote jungle zone. There is no military nor civilian presence able to ensure the security of the residents or protect natural resources found there.

The *Chortíe* people's interest in recovering land led to the assassination of Cándido Amador Recinos, one of their leaders, on 17 April, 1997. The Chortíe people live along Honduras's western border, formed with Guatemala. They had also received support from the Public Prosecutor's Office for Ethnic Groups. This was a vicious and humiliating assassination. The indigenous leader received multiple blows with a machete and was shot several times. Afterwards, his long beard and hair were cut off. This brutal murder

clearly showed that beyond government rhetoric, the same irreconcilable conflicts which indigenous peoples have historically been confronted with by society at large endure.

The murder of this leader unleashed the last of the marches on the capital, held in May 1997, this time led by the Chortíes, asking for justice and the resolution of land problems.

PANAMA

Pressure in the legislative assembly, official complaints at the national and international levels, violent confrontations with the Panamanian police, the barricading of highways and réports filed with international human rights bodies were the main activities carried out by indigenous groups in 1996. Indigenous movements commanded great respect, and various sectors of the Panamanian population at large gave their support and solidarity. Due to frustration on the part of the Panamanian people as a whole, in 1996 the indigenous struggle was the rallying banner for the entire population. This could be observed in public opinion polls found in newspapers, on television and radio programmes. Twenty years ago this would have been unwonted.

Among the last year's highlights were:

1) The Legislative Assembly's Indigenous Affairs Commission, made up primarily of indigenous representatives in Parliament, had its official inauguration at the start of January, 1996. The Commission's task is to work in support of draft bills.

2) The *Kuna de Madungadi Comarca* (region of Kunas from Madungadi) of Kunas living in the jungles of the province of Panama was created by Law No. 24, January, 1996.

The law appears to have been negotiated and adopted without having considered the consultations and discussions about the problems and sources of land invasions which continue to provoke conflict. As will be seen below, one of the most violent acts in recent times took place in this region.

3) On 13 February, 1996, the Council of Ministers approved a contract between the Cerro Colorado Mining Corporation (CODEMIN) and Panacobre Society, AS for the exploration and exploitation of mineral deposits in the *Ngobe-Bugle* Comarca. Cerro

Colorado is considered to be one of the richest copper deposits in the world which explains why the government is seeking to exploit it without the approval of the Ngobe-Bugle people. The contract includes that the mineral concession belongs to the state company CODEMIN for a twenty year period. As for the Ngobe-Bugles, the profits will go directly to the mining companies and the state, and the real owners of these lands will continue to be ignored.

4) At the beginning of August there was an uprising of Kunas from Madungadi challenging the periodic invasions carried out by non-indigenous settlers on their lands. Invasions in the Wacuco sector were once again the focal point of the conflict, until the national police intervened violently suppressing the indigenous people. The indigenes fled en masse to the jungle from the tear-gas and rubber bullets. It was not until nightfall that they dared leave. Nevertheless, the media placed the blame on the actions of 'a group of inflamed indigenes' towards the national police. There was no mention of the conditions under which the Kunas from Ibedi were suffering, and only images of injured police were shown.

A number of indigenous leaders were detained but were released several days later due to public pressure and support from various groups. It was then that the government consented to negotiate a solution to problems affecting indigenous people. Without the protest this would have been unlikely to occur.

5) Another important action was the 'Ngobe-Bugle March' demanding immediate passage of the law calling for the creation of their own comarca. On 13 October a large group of Ngobe-Bugles left the province of Chiriqui and in fifteen days walked four hundred kilometres to Panama City. There, they made known their prime demand 'Comarca o ñagare!', which means that if there is no comarca, then there will be no mining. The march was highly emotional for hundreds of observers and representatives of other indigenous peoples as well as representatives of Parliament who formally invited Ngobe leaders to address the session. For several days a vigil was held at the Basílica de Don Bosco awaiting the government's response. Upset by the negative response of the government, a group of participants decided to go on a hunger strike. As a result of this mobilisation, the Legislative Assembly approved Law 10 in March, 1997, thereby creating the Ngobe-Bugle Comarca.

6) The *Emberá-waunan* people continue to negotiate at international conferences on the environment for money to pay off part of Panama's external debt. At the same time some environmental organisations, with the support of the government, are turning into enemies of the Emberas. Parts of some national parks are being handed over to multinational mining or timber companies while indigenous peoples, who have protected these resources for centuries, are encountering more and more prohibitions. The indigenous zones of Panama are the areas where the majority of the million dollar projects to preserve biodiversity are taking place, but in reality these are of little benefit to the local communities.

7) One example of disregard for indigenous peoples is the implementation of the General Environmental Law. After the presidential veto it has not been discussed again in the Legislative Assembly. It all began when backers of the draft bill made it known to the opposing party that a chapter dedicated to indigenous peoples needed to be included, because this was occurring in the majority of Latin American countries where a similar law was being developed. Before the veto the 1995 draft bill included Section V 'Concerning indigenous communities', with nine articles (Articles 102-110). These articles primarily followed the points established in the International Labour Organisation (ILO) Convention No. 169. The latest draft bill, presented before the Legislative Assembly on 18 September, 1996, totally eliminated the chapter dedicated to indigenous communities. Only Articles 95 and 96 were retained under Section Heading VII 'Concerning natural resources', providing exemptions and privileges to private enterprise. Once again, the indigenous peoples were deceived by the government, this time by both negotiators and the government itself.

8) Another of the most well-known demands of indigenous peoples over the past years has been ratification of ILO Convention No. 169 which is considered as one of the most important national norms for the defence of indigenous peoples' rights. In 1989, in Geneva, Panama approved the Convention in order to maintain good standing internationally. But when the Panamanian delegates returned home, this approval was merely filed away. Both the former government of Guillermo Endara and the current administration of Ernesto Perez Balladares have treated the Convention with the same disparaging attitude and by doing so, they scorn the indigenous

peoples themselves. The Endara administration flatly refused to ratify the Convention in a letter from Jorge Rubén Rosas to Dr. Julio Linares (R.I.P.) on 3 February 1993. It was even suggested that adoption of the Convention by the Assembly would be a threat to national sovereignty. According to Jorge Rubén Rosas the current government is of the same opinion as can be observed in a memorandum from Minister Mitchell Doons to the First Lady, Dora Boyd de Púrez Balladares on 2 May 1995.

1. Yucpa
2. Yanomami
3. Embera-Katio
4. Huaroni
5. Shuar
6. Aguaruna
7. Candoshi
8. Asháninka
9. Guaraní
10. Macuxi
11. Parakana
12. Urubu-Kaapor
13. Enxet
14. Totobiegosode
15. Wichi
16. Toba
17. Kolla
18. Mapuche
19. Kar'iña
Lokono
Tereno

SOUTH AMERICA

VENEZUELA

In 1996 the situation of the 25 indigenous peoples of Venezuela was rather contradictory. The Venezuelan natives live in a country characterised at this point in time by the serious deterioration of social, economic and cultural rights, as well as the persistent endemic violations of civil and political rights. The situation of the indigenous peoples is further marred by the threat posed by the state's tendency to implement new development-oriented projects in the areas inhabited by indigenous groups, failing to recognise a large part of their traditional living spaces and failing to facilitate any level of political participation. On the other hand, 1996 did provide indigenous peoples with a certain number of isolated successes in their efforts to defend their land at a judicial level.

Generally, indigenous policies in Venezuela have been remarkable for their incoherence. This situation remained unaltered through 1996-97. In 1995 one of the two parliamentary chambers, the Senate, passed a relatively extensive bill, officially titled Law of Indigenous Communities, Peoples and Cultures. However, during 1996 the legislative process in the Chamber of Deputies remained paralysed. The national indigenous organisation CONIVE made the following declaration about the bill in a report to the UN Committee for the Elimination of All Forms of Racial Discrimination in August, 1996: 'indigenous peoples were, however, discriminated in the formulation of the bill, as their participation was not taken into account when this was being drawn up. Nor were their arguments that the law would not guarantee nor recognise the indigenous peoples' basic rights. The bill is on the contrary based on existing legal criteria which is distinguished for its ambiguity and contradiction in its recognition and application of indigenous rights.' The process of debate of this bill is currently paralysed, so that neither corrections nor contributions can be admitted, and less still approved as long as the 'low priority' status is upheld.

The most significant legal-normative development directly affecting large territories of Venezuelan indigenous peoples is that relating to a project that has been supported by the World Bank which intends to reinforce the running of the country's National Parks. At least 13% of the Venezuelan population lives inside these parks and will be directly affected by the project. The majority of these parks still lack the Plans for Organisation and Regulation of Use, though at the moment the state authorities are in the process of elaborating these norms.

However, the new criteria to be implemented to orientate the future management of these vast territories is not intended to protect indigenous societies but to reinforce and expand state structures in what are still, as far as the state is concerned, marginal lands. In 1995 the Regulation of Use for the Sierra de Perijá National Park, the traditional habitat of the Yukpas and Zará indigenous peoples, was decreed. In spite of the fact that it is precisely this national park that is not included in the World Bank project, the Regulation is soon to be decreed for the country's other parks. There is no concrete provision for indigenous peoples to control future developments within their ancestral territories, that is the national parks. The activities called 'necessary for the physical maintenance and survival of the indigenous cultures' will only take place in future under the exclusive supervision and assessment of the Venezuelan National Park Authority, INPARQUES.

Venezuela wants to stimulate tourism by developing its network of national parks, often calling this eco-tourism. But the tourist activities will be under the exclusive control of INPARQUES, and we can assume that this organisation will also deliver the required concessions to those private tour-operators working in the national parks.

In this context, it is important to mention that there were serious conflicts between indigenous groups and tourist development projects in several regions of the country. For example, in the south-east forty communities of the Pemón indigenous people opposed the construction of a tourist resort in the Sierra de Lema, inside Canaima National Park. This project was set in motion by a private firm and supported by INPARQUES. However, it is now at a standstill because of the resistance of the indigenous communities.

In another case the Piaroa Uhuóttuja del Sipapo Indigenous Organisation (OIPUS) declared its opposition to tourist activities in

its ancestral territories. The Piaroas won a legal victory with the decision of the Amazonas Regional Court in 1996 to ban a tourist firm from operating excursions into the Piaroas' sacred lands and ancient burial grounds without the previous consent of the traditional council of elders, set up under the jurisdiction of indigenous common law. This represents a significant step forward for Venezuelan law in that it recognises indigenous common law.

The biggest threat to cultural integrity and the physical survival of the country's indigenes are the mining and oil interests and activities in almost all indigenous regions. Investments by large transnational companies like the North American consortium MAICCA, who plan once again to mine coal in the Sierra de Perijá (north-east of the country) threaten on the one hand the Yukpa and Barí indigenous peoples and on the other the jungle region of the Zuliaa state and the hydrological system of the Maracaibo Lake. According to reports from the human rights organisation PROVEA, the former ambassador of the United States, Jeffrey Davidow, is pressing the Ministry of Energy and Mining to speed up the process of issuing mining permits in order to mine the Perijá coal.

There was a violent confrontation in the same region between communities of the Barí indigenous peoples and various oil companies. On 4 November the traditional leader of the Barí people, Bokshí, gave a press conference in Caracas, denouncing an oil company that, together with other national and international consortia, operates in their region. At the same time several Venezuelan politicians, among them the Minister of the Interior, launched a campaign against the Barí indigenous people, accusing them of links to guerrilla organisations.

In the state of Bolivar, in the south-east, aside from conflicts with large mining companies, the situation is further worsened by the presence of countless private individuals prospecting for gold in indigenous ancestral territories. This leads to grave social and ecological problems. The water wells resulting from the gold mining activities have converted the region into an endemic malaria area. The use of mercury has led to the contamination of several rivers which had provided drinking water and fish. Faced with this problem, the authorities have been either complacent or indifferent, neither contributing to the protection of indigenous land rights nor halting such activities which, in the most part, are illegal. By way of a reaction against this situation, in 1996 indigenous groups in the

east, among them the Pemón communities alongside the Gran Sabana highway have gone about establishing their own territorial boundaries. These did not include the areas already occupied by the miners, since there seemed to be no future in reclaiming these lands.

One particularly worrying threat to the indigenous people is a mega-project, still in the planning stage called PRODESSUR (Project for Sustainable Development). The present government of Rafael Caldera plans with this programme a complete socio-political, demographic and economic transformation of the Bolivar, Amazonas, Aapure and Delta Amacuro states, home to the most extensive indigenous areas in the country. The overall aim of PRODESSUR is to integrate these areas with the rest of the nation, consolidating the defence of the border areas and developing small and medium-sized industries there. Although the official presentations of PRODESSUR employ a very moderate language, indigenous groups and environmental groups fear that should the project come into fruition, indigenous rights will be ignored and their habitat will be used to accommodate civil and military sites, new communication networks, industrial zones and agrarian colonisation. The indigenous peoples were not afforded the possibility of participating in the elaboration of PRODESSUR. The dangerous direction in which politics in general are moving became clear when in September 1996 the government's intention to abolish Decree 269 from 1989 was made known. This Decree forbade mining in the state of Amazonas. In so doing one of the great barriers against colonising this part of Venezuela was torn down, in the old developmentalist style.

The most important decision ever was taken by the Venezuelan Supreme Court in another matter relating to the state of Amazonas. The background to the case is as follows: 19 indigenous peoples represent 50% of the total population of the state, occupying almost 95% of the land area. In 1994 the state of Amazonas passed the Law of Political and Territorial Division of Amazonas State. This law divided the territory into seven municipal authorities, giving these authority over various indigenous territories.

Several indigenous organisations appealed against this law in the Venezuelan Supreme Court, arguing for it to be nullified. In their defence they argued that the rights conferred on them by the Venezuelan Constitution were being violated.

On 5 December, 1996, the Court determined that the establishment of the municipal authorities by law was unconstitutional and

therefore null. The decision taken by the Court rested above all on Article 77 in the Venezuelan Constitution which states that 'the law will establish the exceptional administration which is required to protect indigenous communities'. The court implemented these norms in favour of the indigenes, making it clear that they have the right to maintain their own forms of government within the Venezuelan state. The decision concedes to the indigenes the task of elaborating an alternative legal proposal that would satisfy their interests and cultural values.

At the moment in Amazonas state the political climate is rife with attacks from the economic and local political sectors against this decision. However, the legal implications have a relevance that go beyond the borders of Venezuela and set a precedence in the country itself.

In spite of the legal achievements of the indigenes in the state of Amazonas, the real situation of the Yanomami, the largest ethnic group living in the state, continues to be critical. According to Survival International there are some 4,000 'garimpeiros' (gold prospectors) in the Venezuelan Yanomami territory. The government has shown its concern on the subject by considering the garimpeiro presence as a violation of Venezuelan sovereignty rather than a threat to the Yanomami. In this regard in August, 1996, they implemented Operation Siaapaa '96, with the Air Force bombing the illegal garimpeiro camps. However, no means have been taken to protect the Yanomami either against physical violence nor against the several diseases which severely affected them in 1996.

COLOMBIA

In the south-west of Colombia, eighteen indigenous *resguardos* (territories), formed on traditional pastures, continue to survive. These *resguardos* are cloaked in violence which has resulted in the deaths of community leaders and residents alike; the situation continues to worsen daily. The latest occurrence is the assassination of three governors and a score of residents by hired assassins. The violence is caused by *latifundistas* (owners of large estates) who in an attempt to counteract the indigenous movement's recovery of lands contract assassins and form self-defence groups. The presence of guerrilla groups in the area is another excuse to kill residents and impose their law, supposedly to stop rustling and assassinations.

This confrontation is made more complex by the conversion of the 'Aldemar Londoño Guerrilla Front of the Popular Liberation Army into a self-defence group. Moreover, the state, instead of confronting the root causes of the violence, the struggle for land rights, and implementing constitutional and legal mandates, is the first to violate them. This takes place by way of the Colombian Agrarian Reform Institute (INCORA) which refuses to apply Law 160 of the Social Agrarian Reform and Decree 2465 of the civil authorities and local and regional administrators. These individuals are linked to political-economic interests and openly violate indigenous jurisdiction by accepting and aiding all types of legal proceedings against indigenous constitutional rights. The army and police also violate indigenous rights by murdering indigenes in broad daylight, as was the case with an indigene in early 1997.

SURINAME

Suriname is among the few countries in the Western Hemisphere that have not yet recognised indigenous peoples as such in the constitution, nor ratified ILO Convention 107 or 169. Other than a few laws that refer to 'the interests of the villages in the interior' when there are mining or logging activities in these areas, there is no recognition of indigenous and tribal peoples' rights in Suriname. Due to geographical and linguistic isolation of Suriname, processes and issues related to indigenous peoples, the environment, biodiversity and intellectual property rights are relatively new and unknown among the general public. Suriname ratified the Convention on Biological Diversity in 1995, but much has not yet been done about it on a national scale.

Indigenous peoples form a small minority compared with the many other ethnic groups in Suriname. The total population of only 400,000 consists of a diverse range of ethnic and religious divisions, including South-Asians (former immigrants from India; 37%), Creoles (mixed Negroes; 30%), 'Javanese' (former immigrants from Indonesia; 17%), Maroons (10%), Amerindians (4%), Chinese, Europeans and Lebanese. The official language of Suriname, a former colony of the Netherlands until 1975, is Dutch. Only in the last ten years, especially during and after the military regime in the '80s when Dutch development aid was suspended, have more contacts with Latin America (e.g. the OAS and Amazon Pact Treaty) and the

Caribbean (Association of Caribbean States, CARICOM) been established.

The main indigenous organisations in Suriname are the OIS (Organisatie van Inheemsen in Suriname, Organisation of Indigenous Peoples in Suriname), the VIDS (Vereniging van Inheemse Dorpshoofden in Suriname, Association of Indigenous Village Leaders in Suriname). The VIDS is the co-ordinating body of the traditional leaders and is considered the representative body of the Amerindian communities towards the government. The OIS is more focused on political policy pressure, influencing public opinion, education, and support for developmental projects in the villages.

In 1996 the threat to indigenous and Maroon communities worsened after a brief but important success in August, 1995, when the interior leaders stood up against the government during a 'Gran Krutu' (big meeting) to condemn plans to grant concessions to logging and mining multinationals. The unity behind this condemnation, together with international attention to the possible granting of million-hectare concessions to Asian logging companies with disputable reputations, led the parliament to withdraw the initial governmental permission for these concessions. However, the handing out of smaller logging concessions of up to 150,000 ha. to these multinationals, namely Berjaya (Malaysia) and MUSA (Indonesia) or their subsidiaries under other names, has continued progressively. Control on logging in the interior is almost impossible for the weak governmental institutions and bureaucracy, and there is much illegal logging, including of protected tropical timber.

The same is true for gold-mining activities in the interior. There is a new gold rush in Suriname, mainly by Canadian multinationals such as Golden Star Resources and Cambior, and by Brazilian *garimpeiros* (gold prospectors). Suriname lies on the geographical 'Guyana shelf' which has recently been identified as a mineral-rich shelf. Particularly disturbing is the recent near-destruction of an indigenous community in the south of Suriname, Kawemhakan, due to the influx of miners and garimpeiros and the introduction of drugs, alcohol and malaria. A Maroon village in east-central Suriname, Nieuw Koffiekamp, is about to be resettled since there is no legal title on the community land where Golden Star Resources is mining. Golden Star is the same company that caused a massive cyanide spill in the Essequibo River in Guyana.

In 1996 elections for a new parliament and president were held in Suriname. The new government is a coalition of a number of very

diverse parties, including the revolutionary party NDP of former military leader Bouterse. Although a number of intentions to decentralise the government and give the communities more say in policies have been expressed, there is not improvement of the political participation of indigenous peoples and Maroons in the government. To the contrary, the current government has also expressed its policy to use the natural resources in the interior more intensively, while a lot of the political leaders also have big stake in logging and mining companies as well as in trading and export companies. Two indigenous persons have been elected in the fifty-one seat parliament, but were elected as members of their party and do not have much space to speak on behalf of the indigenous peoples.

A commission to evaluate land policies in the interior was appointed in 1996, but the basis for this commission is the Peace Agreement of 1992 (signed with the guerrilla leaders of the interior to end the civil war) which refers to individual instead of collective rights of the indigenous and Maroon territories. The government is about to start activities related to nature parks and protected areas, again without full participation of the communities involved. In eastern Suriname a long-standing conflict with the village Galibi with regards to a protected area on indigenous lands is still a hot issue.

Other intensifying trends are the search for medicinal plants, e.g. by the pharmaceutical company Besnier-Meyer-Squib in collaboration with Conservation International, which does not acknowledge rights over traditional knowledge of the indigenous and Maroon peoples, and the intention of successive governments to stimulate 'eco'-tourism in the interior, mostly by companies or organisations owned by the government or persons in the capital.

In conclusion, the situation of indigenous peoples in Suriname is serious and needs to be improved. Capacity building and political participation are priorities in order for indigenous peoples to take their own initiatives and respond to governmental and multinational intentions to encroach and exploit their lands.

ECUADOR

1996 was a year characterised by significant internal conflict. The indigenous political movement which participated in the national elections split into two opposing factions: on the one side the

Amazonian faction organised in the Pachakutik Movement led by former COICA (Co-ordinating Body of Indigenous Organisations of the Amazon Basin) president Valerio Grefa; and on the other, the sierra faction, led by CONAIE (Indigenous National Confederation of Ecuador). Together with social and syndical organisations, CONAIE formed the Multinational Unity Movement. The joining of forces with groups from middle class and intellectual circles supporting presidential candidate Freddy Ehlers, a journalist, gave birth to the MNP (Pachakutik New Country Multinational Unity Movement). The long name is the result of a lack of a clearly defined political programme due to internal disunity on policies and the diverse interests of each social sector forming the MNP.
Although opinion polls showed the MNP to be in first or second place only two months before the elections, internal differences continued to deepen. Most of the criticism was from Amazonian interest groups who criticised Ehlers for his individualism in decision-making matters and in his speeches. They also criticised the CONAIE leadership for not maintaining the political independence of the organisation with respect to Ehlers.

The result of the first round of voting was that two right-wing candidates took advantage of the traditional political centre-left: Jaime Nebot (Social-Christian) and Abdalá Bucaram (populist).
The MNP took third place with an outstanding result in the sierra and Amazon areas but a poor performance in coastal areas where few indigenous people live. The vote in the communities was massive but not enough to win the presidency. However, four indigenous parliamentary representatives were elected, two from the sierra region and two from the Amazonian, out of the seventy-seven who form the National Parliament. At the community level hundreds of mayors and town councillors were elected. It is the first time ever that indigenous people have won these posts with their own political movement.

The discussion as to what position the indigenous movement should take regarding the second round of voting deepened the divisions. The Amazonian participants decided to give critical support to Abdalá Bucaram in order to avoid a victory by the Social-Christians who they identify as the authors of the murders and destruction of indigenous headquarters during the 1994 uprising. CONAIE called for a 'vote of conscience' and did not support either of the candidates. However, their vice-president, Rafael Pandam, also

signed an agreement with Bucaram. Accusation flew back and forth between both groups and ultimately the Amazonian faction left the MNP.

After his victory by a comfortable margin, Bucaram created the Ministry of Ethnic Affairs, naming Pandam minister. CONAIE was radically opposed to the creation of this organ and threatened to call for an uprising.

In December the CONAIE Congress was held to elect new leaders. The Bucaram administration, through Minister Pandam, tried to influence the decisions of the Congress. This resulted in the Congress's division: the Amazonian delegates were accused of supporting the government and they in turn accused the delegates from the sierra of not wanting to hand over their posts as leader of CONAIE, in violation of the traditional sierra-Amazonian rotation every four years. The representatives from the sierra left the meeting and Antonio Vargas, president of OPIP (Organisation of Indigenous Peoples from Pastaza), became the president elect of CONAIE. Days later, Vargas agreed with the leader of the sierra faction to call for a new unity congress. The Amazonian representatives did not attend, and a new managing council was elected, to be led by Vargas. The Amazonian representatives refused to recognise this resolution and a group of them took over the CONAIE headquarters, only to withdraw shortly after.

After the fall of Bucaram in February, 1997, by way of a tremendous popular mobilisation which included indigenous leadership, sixteen representatives were removed from office accused of corruption. Two of them are the Amazonian representatives José Aviles and Héctor Villamil. The representatives from the sierra voted in favour of their removal.

With the fall of the government the skies appear to be clearing up and the situation returning to normal in the indigenous movement. There is a growing clamour from the grass roots of all regions for a return to unity; there is general agreement on essential points such as the declaration of Ecuador as a multinational state and the need to advance sustainable self-development projects.

The division in the movement is probably a reflection of the political position based on principle of the sierra representatives and the more pragmatic position of the Amazonian representatives calling for participation in the state in order to 'bring it' to the Amazonia, a neglected region where oil companies are the 'state'.

COICA has offered to mediate this difficult process of reconciliation and bilateral meetings will be organised during the next months.

PERU

1996 was notable for the deepening of the crisis surrounding the further penetration of multinational oil companies into indigenous territories. There are now more than 20 federations in conflict. The government offers a never-ending stream of facilities to these companies including the implementation of measures of legal and fiscal stability; customs facilities and exceptions; market deregulation; facilities for the contractor to become owner of the extracted fuels; free availability of currency; the consolidation of contracts for tax purposes; the possibility of appealing to international arbitration when faced with contractual conflicts; the removal of labour protection norms; an increase in area of the concessions; facilities for the establishment of transport and distribution infrastructures; favourable conditions for the companies in the banking and insurance system, etc.

As a consequence of the incentives and privileges granted these companies, Peru is now number five in the world ranking for petroleum investors. According to sources from Perupetro, between now and the year 2000 current contracts call for the digging of fifteen wells a year.

To date petroleum investments in Peru rise to more than three thousand, six hundred million dollars. The intensive process of concessions initiated in the current decade continues, with eleven petroleum sites being granted in northern Amazonia, ten in central Amazonia and five in the south totalling more than 20 million hectares (as opposed to four and a half million hectares recognised to the indigenous peoples in the entire history of the republic).

The indigenous peoples have been immersed in a new and surprising dilemma by this unhindered promotion, including those peoples without previous contacts, or those in a stage of recomposition after the period of violence.

Although in theory some organisations were resigned to negotiate minimal conditions, the non-compliance with agreements and the alterations in social peace which accompany the petroleum incursions have contributed to the acceleration of a process of reflection and analysis, achieving as a result a determined reaction

against the abuses. The companies have met an unexpected organisational response on the part of indigenous movement, a difficulty that had been eased by the state promoters.

Among the successes that exemplify the new era of indigenous movements in Peru are the CORPI denunciations of the oil spillages by Petro-Peru in the Rojo River, the powerful position taken by FENAMAD in defence of the non-contacted peoples in Madre de Dios, the refusal of the Achuales of ATI and ORACH faced by the unnegotiated entry of the ARCO company, the denunciations of the Quechuas of Lake Anatico (FEDIQUEP) and of the communities of the Tigre River and Corrientes (FECONACO and FECONAT) against the contamination of their lakes and rivers as a result of the work being carried out by OXY.

However, if the promotional measures were considerable, the protection afforded the petroleum companies against the indigenous initiatives has come as a surprise. The companies have achieved favourable conditions in which to successfully overcome each problem that arose. A contrived announcement warns of the obligation to reach an agreement with the company within 30 days or otherwise face an enforced subservience and the threat of expropriation. Another conditions the possibility to appeal against ecological crimes to the previous judgement of the authorities in the area. A third tries to confuse the compromise of previous consultation - a procedure set out in ILO Convention 169, in force in Peru - with the presentation in Lima of the technicalities of the Environmental Impact Studies.

However, the necessity to defend the territories, the resources, the indigenous knowledge, the language, education, health and survival in such an adverse context, has generated a remarkable turn of the tide for the indigenous movement throughout the year. AIDESEP, the Amazonian indigenous movement's parent organisation in Peru, as well as its regional offices and local federations have been presenting and defending action platforms in each of the areas of conflict. One proof of this is that, in spite of all the difficulties, the process of recognition of indigenous lands continues, co-ordinated by the organisations themselves - like those of the Paranapura and Ucayali - with effective results. The defence of natural resources, principally timber, is at the top of the agenda. Access to genetic resources is under control and the possibility of establishing norms for a sui generis procedure for the protection of indigenous knowl-

edge. AIDESEP's Programme of Formation of Intercultural Bilingual Teachers has expanded its activities with three decentralised Professionalisation Programmes. Several Indigenous Health Programmes are underway in Atalaya and Gran Pajonal. New models of popular and management training have been designed in various regions. Diverse government institutions, including the hydrocarbons authorities have requested the participation of AIDESEP in the design of the new norm.

This turnaround of the Amazonian indigenous movement in Peru has come to be recognised internationally, with two important distinctions being awarded to affiliate federations of AIDESEP.

In one case, OIRA (Indigenous Organisation of the Atalaya Region) received the Anti-Slavery Prize recognising the liberation process of the communities that were held captive by the timber companies, the high point of which was the victory in the provincial and district elections of a people that had been held in captivity for centuries.

In the other case, the FENAMAD (the Native Federation of the Madre de Dios), was awarded the Bartolomé de Las Casas Award for its determined defence of the Yora, Nahua, Amahuaca and Mashco-Piro peoples of Upper las Piedras River, who live in voluntary isolation and have been stalked by the incursions of the Mobil company in the lands of their current settlements.

In both cases - slaves in the process of liberation and indigenous people in an extremely precarious situation when faced by their first outside contact - the contrast is clear between the force of reason and the vision of the planners of the Peruvian Government who, far from paying attention to the current state of affairs in Amazonia, stand behind an aggressive commercial intervention in the region.

The legislative package that in 1995 attempted to put definitive barriers against the territorial pretensions of the indigenous peoples met with a forceful opposition and was never successful. In spite of governmental support, no community requested the division, sale or mortgaging of its lands. To date the so-called Land Law is unregulated and everything suggests that it will undergo several changes before coming into effect.

However, and in spite of the new constitutional declaration that states that Peru is a multi-ethnic nation, in the view of the national AIDESEP organisation in its report to the ILO, policies continue to

focus on marginalisation, reduction, integration and the conversion of indigenous peoples to landless labourers.

The new norms on Ecological Protection Zones and the declared reforms of the Forest and Water Law, together with the latent threat of auctions of free lands announced in Law 26505, are intended to put the resources and spaces that provide the basic subsistence of the indigenous communities into the hands of national and international private capital.

The proposal to reduce the area of the indigenous peoples of the Amazon, who are an obstacle for some of the state's political priorities - privatisation of natural resources, the exploration and exploitation of hydrocarbons - takes the form, too, of norms that allow the acceleration of ownership rights and the registration of private property in the region and the imposition of difficulties for the indigenous peoples to gain ownership rights. One particularly notorious case is that of the *Ashâninka* communities who have begun to return to their homes after several years of being subjected to extreme violence only to find their lands handed over to timber and petroleum companies.

The Board for Bilingual Education has been dismantled and the progressive Castilianisation of the indigenous children's education is being promoted through the appointment of Spanish-speaking teachers in a large number of local schools.

Within the state administration, the theme 'indigenous populations' has now been relegated to a unit inside the Office of Productive Development of the Human Development Department in the Ministry for Women. The office's prime objective is the promotion of integration and productive development of the 'indigenous populations', which it categorises as a 'target group'.

While in regions like the Tigre River, Corrientes and Pastaza - as well as others - endemic illnesses like Hepatitis B, malaria and rabies are developing without the slightest interest of the state authorities, these present themselves uninvited and unwanted with family planning programmes that are based on the promotion of voluntary sterilisation.

Furthermore, the adjustment policies have led a large number of Andean and Amazonian communities to come to rely on a vicious circle of strongly politicised and integration-oriented social support programmes.

The naming of 'acting governors', designated by the government for proselytising reasons and with broad powers of social and politi-

cal control, is another intervention that contradicts the declared constitutional autonomy and has been received with disgust by the nation.

BOLIVIA

The biggest single novelty arising after the December 1995 elections was the participation of indigenous peoples in the formation of municipal governments early the following year. From the government's point of view, the new Law of Popular Participation (LPP) had an immediate democratising effect, reflected in the presence of indigenous people in several municipal governments in Bolivia. In other words, the indigenous peoples are now sharing power as both a social sector and as citizens.

This optimistic judgement is not shared to the same degree by all the indigenous organisations of the Lowlands. As far as José Guasebe of the *Central de Pueblo* (CPIB) in Beni province is concerned, although there is a visual presence of indigenous people in the municipal governments, they lack any kind of power. Theirs is not so much an organic participation as a result of legitimate individual initiatives, promoted by certain political parties. Leaders of the Confederation of Indigenous Peoples of Oriente, Chaco and Amazonia (CIDOB) and other organisations like the CPIB itself, however, agreed during a national assembly that took place at the end of December in the town of San Ignacio de Moxos, that this first experience ought to be borne in mind when planning the future organic political participation of indigenous peoples in the electoral process.

Even though the organisations themselves recognise positive aspects of the LPP, the everyday political situation of the indigenous peoples has remained largely unaltered. Discrimination and political paternalism towards the indigenous population continue to thrive in the townships, while the local centres of power continue to be under the control of the traditionally dominant urban groups who do their utmost to prevent any real participation of indigenous people in political life, even resisting attempts to promote participative planning in municipal management such as those stipulated in the new law.

In July, 1996, after some eight years of social mobilisation to change the legal structure relating to forest resources, the govern-

ment of Sánchez de Losada introduced the new National Forestry Law. As host country to the Council of the Americas for Sustainable Development in December, it was important for Bolivia to demonstrate a modern legal organisation. Since 1987 the mobilisation towards a new forestry law has moved on two fronts. On one side, the environmental NGOs connected to the Bolivian Environment Forum, The Environmental Defence League and the indigenous movement of the lands, on the other the timber industry and its attempts to privatise forest lands.

Certain positive aspects of the new forestry law which have been highlighted, like the establishment of indigenous settlements in private or publicly protected areas, should not be affected. Furthermore, it defines specific mechanisms with which the indigenous peoples are able to obtain commercial benefit from forest resources. One notable point is the exclusive right to forestry exploitation in the Community of Origin Lands (TCOs), previously recognised in accordance with Article 171 of the State Constitution, with the exception that they must comply with other legal requirements like management plans, payment of a minimal licence and delimitation of areas of exploitation, amongst others.

The introduction of the new law has not, however, led to rapid change in the control mechanisms of the development of the forest in the country. Eight months after its approval, the new structures of control and regulation have been slow in coming into effect and the details of the law were finally approved as recently as Christmas 1996.

At the government's request, BOLFOR, a semi-official organisation charged with contracting the technical teams responsible for obtaining feedback from the sectors affected by the forestry question, was called in to assess the drawing up of the new regulations. Indirect participation within the indigenous territories was afforded by environmental groups, who took note of their proposals in their drawing up of local regulations.

Even as the bill was being discussed in parliament, corruption and the illegal exploitation of forest resources continued. In April, protection and community groups from the Isiboro Sécure National Park Indigenous Territory (TIPNIS) decommissioned wood that had illegally been taken from the indigenous territory. Once this intervention became public, members of the Centre for Forestry Development decided to sell off the wood with no consideration for

the legal situation of the TIPNIS nor for the opinion of the indigenous peoples, taking full advantage of the legal vacuum existing in the country. This event led to a mobilisation of indigenous organisations. Finally, the Prefecture of Beni province stopped the auction, recognising the claims of the indigenous peoples.

Even after the forestry law had been approved, the illegal exploitation of wood in certain indigenous territories and protected areas continued relentlessly. In the Pilón Lajas Indigenous Territory and National Park, a denunciation against the illegal extraction of mara wood caused a furore when one of the timber merchants operating in the area managed to get the principal accuser arrested.

The management process of the indigenous territories in Beni proceeded with participative planning in their running and development. In the TIPNIS, the more responsibility the indigenous peoples take for the administration policies of their territory, the closer they move towards autonomy. One important factor is the transfer to the branch office of TIPNIS of the management centre and the productive modules, situated at the confluence of the Isiboro and Sécure rivers. Another notable achievement is the process of participative planning taking place in the Sirinó Territory (TIS) which resulted in the creation of the Socio-economic Diagnosis and a Plan for the Management and Development of the TIS.

The compatibility between indigenous territories and protected areas is another subject that came up for discussion in the context of the role performed by the National Network of Protected Areas in the administration of those areas that also have the status of territories. The basis of state policy is a regulation that sets out to establish agreements with indigenous peoples to administer protected areas, a situation which can lead to a distortion of the self-regulatory process, thereby subordinating the organisational structure and the protection systems to the auspices of central government.

Within the LPP, the establishment of the indigenous territories as municipal districts stood out as a favourable response to indigenous interests, while not denying the essential attributes of the concept of territory. In February a 'council meeting' of the indigenous peoples of the Beni ratified the established indigenous territories, as well as others yet to be given a title. It also discussed the possibility of the election of vice-governors in accordance with their own election procedures. In the case of the Beni, the TIS, TIM and TIPNIS are recognised as districts with their respective governors.

Although the channelling of economic resources to their territories is minimal, their integration into the municipal administration is not carried out as the LPP dictates.

In August, 1966, organisations representing peasants (CSUTCB), indigenous people (CIDOB) and peasant colonisers (CSCB) started a march from the city of Santa Cruz to the seat of government to obtain the approval of the property law that had been unilaterally modified by the government, three months after having expressed their total agreement with the bill.

Regrettably, the peasant-indigenous alliance failed to hold as had been hoped, with the indigenous group following its own course in the negotiations as a result of structural differences in the orientation of the mobilisation and its demands. Once the agreements with the government were established, the decision of the indigenous people led by Marcial Fabricano was condemned as a mockery by peasant groups. Analysts and politicians on the other hand coincided in pointing out that the syndical logic of directly confronting the state in conflicts was alien to indigenous people. The principal demands of the CIDOB were for the designation of those indigenous territories recognised by supreme decree and of others for the creation of indigenous municipalities and for political representation without interference from the political parties. Of these, it was only the first that achieved a concrete result in the INRA Law that established the fixed-term guarantee and titling of ten indigenous territories (TCOs). The other two issues remain unresolved as they would demand a reform to the constitution that is unlikely to be accepted by the political parties. Taking into account the ten years of the indigenous movement's emergency action, we feel that their principal demands tend to become institutionalised within the framework of the new laws that have been passed in the last four years.

Finally, at the end of December, 1996, indigenous representatives of the Lowlands resolved to participate in the 1997 general elections in order to be able to count on having their own representation in the Parliament. With this proposal they determined to restructure their internal statute in order to open the door to electoral participation and alliances with political parties. As the indigenous peoples did not have a party that was recognised under the electoral system, they set out their demands to various party representatives parties before deciding to form an alliance with the

Free Bolivia Movement. The most significant feature so far of this unique alliance between a political party and social movement has been the designation of the indigenous leader Marcial Fabricano as candidate for vice-president of Bolivia. Although the participation of the indigenous peoples has provoked diverse reactions, it certainly signals a new era. In the short-term we await the results of the forthcoming general elections while waiting to see the effect this has on the physiognomy of the indigenous movement of the Lowlands.

BRAZIL

The Situation of the Indigenous Peoples of Brazil

It is already 500 years since the Europeans arrived in Brazil. The 210 indigenous peoples living here have increased their numbers, now reaching 280,000 individuals, distributed among over 4,000 villages and settlements, thus contradicting the pessimistic assumptions of the past which predicted the extinction of Brazil's indigenous peoples. The census takes into account indigenous people living outside indigenous territories.

In spite of the facts mentioned above, there are innumerable problems facing indigenous peoples in Brazil, beginning with the ambiguities of the Brazilian Government's policy for the indigenous population. The territorial borders move backwards and forward, underlining the importance of the territorial demands of the indigenous peoples. Specific legislation is still very slow. Moreover, FUNAI has hardly any organised health and education services. The indigenous peoples find difficulties in ensuring their presence in Brazil's future.

Indigenous Territories: Demarcation

The question of demarcation of indigenous peoples' territories in Brazil was part of a huge polemical debate at the beginning of the current presidential period, in 1995, when Nelson Jobim became Minister of Justice, and so responsible for the execution of indigenous policies. Decree 22/91 was questioned as to its constitutional validity. This decree regulated the administrative procedures of demarcation. It was finally substituted by the controversial Decree 1775/96 which instituted the process for interested parties to question the limits of indigenous territories.

The discussion lasted for two years with a new ruling taken for only a hundred ongoing demarcation processes. With the new decree these processes were taken up again and retroactively submitted to the new procedures and established calenders as, until June, 1997, for some cases the political decision was still pending. The result of this process is deeply ambiguous: most of the processes under the new decree were consolidated either because they were never challenged or because the objections presented were rejected, and important indigenous lands had their borders officially recognised, as in the case of Alto Rio Negro.

However, in at least three cases, the Ministry of Justice ruled that the FUNAI should reduce the limits previously identified in favour of *garimpeiros* (gold prospectors) and local politicians, not recognising the constitutional rights of the indigenous population. One of the most important of these cases is that of Indigenous Territory Raposa-Terra do Sol, in the state of Roraima - an area where there have been many conflicts involving the indigenous peoples- where the Ministry of Justice resolved to reduce the area to be demarcated, so as to 'free' them of garimpeiro settlements, highways and farms, which had been established illegally.

It is worth pointing out the schizophrenic situation which is taking place because of the official demarcation process. In the north-east, in the east and in the south-centre of the country, which are areas where the process of colonial occupation and the recognition of indigenous lands took place a long time ago, the lands were marked out less extensively. But 40% of the Brazilian indigenous population is concentrated here which is barely 2% of their total land extension. On the other hand, in the Brazilian Legal Amazonia, a region with a low demographic density in spite of recent occupations and migrations, we find the most recently recognised indigenous territories, with greater expanses of land, concentrating 60% of the indigenous population in 98% of their total land.

The following table shows indigenous lands with their respective situations in the process of demarcation:

	Number	Extension (ha)
To be identified (3 interdictions)	78	2,749,000
Undergoing identification (5 interdictions)	64	2,298,380
Undergoing identification/Revision	29	2,685,198
With restricted use for non-indigenous people	5	8,897,066
Sub-total	176	16,629,644
		16.63%
Identified - entered at the Ministry of Justice	4	1,832,375
Identified/Approved/FUNAI/Subject to challenge	10	210,572
Sub-total	14	2.04%
Demarcated (4 with physical demarcation and 33 in the process of demarcation)	81	25,260,454
		25.26%
Reserved	24	4,647,547
Confirmed	29	4,332,141
Registered with CRI and SPU	239	47,096,694
Total	292	56,076,382
		56.07%
Total for Brazil	563	100,009,427
		100%

Recognition of Indigenous lands under the Collor, Itamar and FHC Administrations

President	Period	Declared number	Extension (ha)	Confirmed number	Extension (ha)
Fernando Collor	Jan 1990-Sept 1992	58	25,794,263	112	26,405,219
Itamar Franco	Oct.1992-Dec. 1994	39	7,241,711	16	5,432,437
F. H. Cardoso	Jan. 1995-Jun. 1997	30	12,451,856	46	6,952,943
			Total	174	38,790,599

As can be seen, there are still a large number of disputes to be settled concerning the demarcation of indigenous lands. (These are lands to be identified, in the process of being identified, and those

identified which make 190, that is, that have not been declared permanent indigenous possession, and which are subject to the new Decree 1775). In spite of the fact that the Brazilian Constitutional deadline for all processes to be completed expired four years ago, the current government is acting beyond what is possible. On the other hand, over half of the indigenous lands are officially recognised, showing the salient characteristic of the '90s where, with increasing importance, the issues related to the administration of these lands by indigenous peoples or groups which occupy them are considered.

Indigenous Lands: Invasions and Administration Demands

In spite of formal advances, the de facto situation of the indigenous territories is extremely worrying. According to the FUNAI, and apart from the fact as to whether they have been demarcated or not, 85% of indigenous lands suffer some kind of invasion, whether permanent or intermittent, furtive or permitted through cooption. The main invaders are the big landowners, the *garimpeiros*, the wood-cutters (*madereros*) and landless rural workers.

This shows a chaotic feudal situation in the interior of the country, characterised by the concentration of land ownership by few people together with an extremely precarious economic situation in which the majority of the Brazilian population is living. It also shows the difficulties that indigenous people have to face to manage their territories in the context of contact relations and the market.

Regarding the boards of the indigenous associations, many exert desperate pressure to obtain resources and other means of assistance; while another part is beginning to find their own solutions, organising projects to have access to alternative funding sources and trying to establish new links with NGOs, universities and public agencies, by-passing old relationships of dependence with the state. However, this last process is still at an embryo stage and must face many difficulties to make the projects for the future of these peoples sustainably viable.

Some of the difficulties are economic and operational, stemming from the relative geographical isolation of many of the indigenous territories, especially those in the Amazon area. Here, health and education services as well as the marketing of their products face prohibitive transportation costs which break down the conditions for assistance or access to local markets. Other difficulties are

cultural and have to do with the fact that many communities lack sufficient knowledge about the mechanisms in our associations, especially those which have only recently contacted us. Others face difficulties due to the lack of legislation which would clearly establish the rules and procedures for the indigenous community projects to be carried out with the possibility of success.

The basic political hypothesis to ensure political sustainability in the indigenous territories, and to viably manage them for future use of natural resources, is the strategic link between indigenous lands and the projects for the future for occupying peoples, with environmental issues, protected areas and the certification and added value policies for traditional indigenous products.

The Stand-still in Legislation

However, all issues relating to the administration of indigenous territories, as well as objective difficulties, find obstacles in the imprecision or lack of definition in current legislation. Brazil voted for a new Constitution in 1988, but ordinary legislation, by rulings, precedes the Constitution, and there are doubts and arguments as to what is currently up-to-date, and what would be revoked or reformulated by the new Constitution. Moreover, much of this ordinary legislation is not up-to-date on the new issues which are found today among indigenous peoples, as is the case of intellectual property rights, access to genetic resources existing in indigenous lands and the sustainable management of natural resources.

There is no clear policy as to what activities the indigenous populations may or may not carry out in their territories. There are no limits for traditional activities, but for market-related activities there is great confusion, as there are no definitions for the required conditions and procedures. For example, general regulations for authorisation by governing bodies for mining or forestry activities are not applicable to indigenous lands, and there are no clearly defined regulations at present.

Almost nine years after the new Constitution was passed, the constitutional procedures for ordinary laws have not yet been voted. There are dozens of bills pending approval at the National Congress, but no actual laws have been passed. There are also bills seeking to reform the old Indian Regulation, adapting it to the guidelines of the new Constitution, but they have been awaiting congressional decisions for many years, and it is a fact that the

government itself obstructed this as no consensus was reached on opposing positions within it. The Brazilian Government signed ILO (International Labour Organisation) Convention 169, but the National Congress has not yet ratified it. Briefly, the public powers do not prioritise legislative demands of indigenous peoples.

The legal 'mess' also affects the possibility of a strategic association for environmental and indigenous issues. The juridical regulations that establish management units for environmental conservation inspired by US legislation and IUCN formulations are not applicable to indigenous territories because they imply unilateral restrictions imposed by the state which are not compatible with the right to exclusive usufruct recognised by the Constitution for indigenous peoples. There are, too, proposals to overcome these contradictions, but their viability is held back by corporative disputes between the federal agencies in charge of environmental and indigenous policies.

In so far as the governing powers do not understand or prioritise solutions for the indigenous population, these have no option but to act non-formally, which restricts the possibilities for collaboration or access to more favourable market conditions. In the meantime, when non-formal activities are involved in internal conflicts of the indigenous communities, or in relationships with expanding economies, they end up by becoming very fragile, or even illegal because of the predatory political and economic interests which oppose them.

Inoperativeness of FUNAI and other Public Agencies

In addition to all these difficulties is the crisis of the state. The FUNAI, like other public agencies having a say in indigenous matters, is extremely deteriorated and is progressively losing its ability to operate. This is not a problem that affects only these agencies but the whole of the Brazilian state.

The federal government has proposed to reform the state, following neo-liberal patterns, but their strategy must first be to reform aspects of the Constitution which needs the support of 60% of each of the congressional chambers. Even proposals which juridically speaking do not depend on constitutional changes have been silenced so they would not generate political reactions that might be negative for the approval of constitutional amendments. This procedure is making the federal government a hostage of corporative interests and a client for parliamentary support. It also generates a

lack of mobility within public bodies which contributes to the prolongation and increase of the deteriorated situation. As an example, half the present Administration's term has gone by and the amendments connected with the state reform are still being reviewed (and distorted) by the Chamber of Deputies and have yet to be submitted to the Senate. Next year is an election year, and so unfavourable for great reforms. There are already people talking about promoting a constitutional revision process for 1999. We run the risk of entering the Third Millennium with the same state, and without having reached constitutional stability.

Within FUNAI, any attempt, however moderate, of an institutional restructuring, will generate strong corporative reactions, with no lack of manipulation by indigenous boards dependent on the organisation, against those who attempt to reform it; the government being unable to support the combatting of the corporative 'mafias' which the state is riddled with, and this includes FUNAI. For other directing bodies and indigenous organisations, the idea is no longer to restructure FUNAI, but to substitute other public agencies or agency that would not have tutelary power. But this position too is dependent on other government moves which have no restructuring and which should take the responsibility for indigenous policies. This discussion will very probably be on the presidential candidates' agendas for next year's elections.

Health

Within this context of a state crisis and of the intensification of contacts among indigenous populations and with national society, the public social services, which were never efficient, and even less so for the indigenous population, are also deteriorating. There is no educational policy for indigenous peoples (nor on indigenous peoples), and the general policy, which has the municipalities in charge of education, cannot counterbalance the intense discrimination that indigenous people have suffered throughout history at local policy levels.

Decentralised federal resources rarely reach the villages and there is no will on the part of the federal government to take over these services directly.

Health assistance for the indigenous population faces problems of accessibility due to the *Sistema Unico de Salud* (SUS), the one system for health on which all health policy is based. There is a

Coordinator for Indigenous Health in the National Health Foundation, an organisation which could disappear in the state reform, which works with some indigenous communities but has not got the ramifications to carry out a consistent national-scale policy. The Coordinator is organising agreements to pass on funds to indigenous organisations to bring in professionals, to carry out services and train indigenous health monitors, but these activities have not proved to be continuous and efficient.

Although there is no systematic collection of data, there is strong evidence that the health situation of the majority of the indigenous communities is worsening. Malaria, tuberculosis, lung diseases and sexually transmitted diseases are found throughout the country. There are already thirty-two confirmed AIDS cases, spanning several regions, and localised epidemics with the survival of the population at risk. This is the case of the *Tiriyo* people who live in the north of the state of Para, on the border with Surinam, among whom four cases have already been detected when half the population, of 800 people, was examined. The government is refusing to publish the results of more recent examinations, saying that they wish to avoid more discrimination against the indigenous population; but there is no sign that they will be taking measures to avoid the risk of their extermination.

Perspectives

There are tremendous challenges facing the future of the indigenous peoples of Brazil. The political ambiguity of the government does not permit forecasts as to when the indigenous question could receive more attention. On the other hand, the de facto situation of indigenous peoples and their territories is becoming increasingly serious faced by pressure coming from the intensification of the process of occupation and of the exploration of natural resources in the interior of the country, and, consequently, of contact relations. It is also impossible to foresee when the state will recover its capacity to act and to effectively implement basic public policies.

Therefore, the opportunities and conditions for the survival of indigenous peoples depend on themselves more than on public bodies. In general terms, and since the mid-1970s, the indigenous population of Brazil, representing a mere 0.2% of the national population, is growing both in relative and in absolute terms, reflecting a post-contact majority trend for demographic recovery,

which does not exclude specific cases of populations which are decreasing and are at risk of extinction. This means, objectively but not generically, that the indigenous population will be a presence in the future of the country.

The peoples who are able to obtain the recognition of extensive territories will have better conditions to ensure the continuation of their traditional practices, the establishment of more favourable contact relationships and the viability of future projects. They might also be able to play an active role in certain general policies, like conservation and management of natural resources, thus ensuring biodiversity for the Brazilian population, something which they have not been able to preserve themselves, and for future generations.

PARAGUAY

Throughout 1996 and part of 1997 the Paraguayan Institute of Indigenous Affairs (INDI) was heavily criticised and questioned by numerous groups, especially indigenous peoples. The organ was criticised for its inefficiency in fulfilling its most basic functions as well as accused of acts of corruption at different levels. Various community leaders periodically condemned in the press and to high-level authorities the insufficient and limited action taken by the Paraguayan Government to find a solution to indigenous peoples' problems. They also denounced the inefficiency of the state organ dedicated to indigenous issues in resolving complaints and demands filed by indigenes. The criticism was not only directed at Valentín Gamarra, president of the state organ, but also at INDI's officials and board.

But without doubt, the heaviest accusations fell on the actions and conduct of president Gamarra, especially regarding his administration of INDI. In April, 1996, the State Treasury Inspector's Office began an investigation into cases involving land purchases in the Western Region. In June of the same year they issued a report revealing the existence of a series of irregularities in real estate transactions. In September the Human Rights Commission of the House of Representatives asked the Treasury Inspector's Office for the reports on the investigation of INDI in order to have more information on the alleged acts of corruption. In October the State Attorney-General filed a complaint in court against Gamarra for

alleged acts of overcharging (to the sum of USD 600,000) in the purchase of a 25,000 ha farm in Chaco. Its real price was not more than USD 14,500. The criminal judge presiding in the case ordered USD 620,000 of Valentín Gammara's assets to be frozen.

Finally, after so many complaints and irregularities, the head of the INDI was removed and Julio Colmán, also a politician from the ruling party, replaced him. According to the briefings of the Secretary of the Presidency, Colmán will only serve as an interim president until the misappropriations and other acts of corruption in the state organ are cleared up.

Land: A Long Way to Go

The problem of landlessness is the sad and dramatic reality of many of the nation's indigenes. Communities which have spent over a decade trying to recover a tiny portion of their traditional territory without any success to date still exist. Even though several communities succeeded in recovering small parts of their territories during 1996, the situation is becoming more and more serious as well as distressing. Even in the Paraguayan Chaco, (24,695,000 ha), official indigenous lands amount to only 1.8 % (445,305 ha) of the area and protected areas 4.45 %. In terms of population size, indigenous peoples of the Chaco, some 60% of the total population in Chaco, have access to less than 2% of the region's territory.

This situation demands a just and immediate response from the state. On the one hand, the national parliament, in addition to having approved a budget of USD 14 million last year, should pass a new law to replace the current 904/81 (Statute of Indigenous Communities). A new structure capable of effectively responding to indigenous needs should be found. Moreover, even though the responsibility of developing a new law belongs to the legislature, the process should include indigenous people and their organisations. On the other hand, as long as the current system is still in effect, the state should closely monitor INDI in order to prevent any further corruption or mismanagement.

The state of health of indigenous peoples in Paraguay has been deteriorating over the course of the last years due to poor living conditions, undernourishment (aggravated by widespread deforestation) and a lack of adequate health care on the part of the government. During 1996 hundreds of children died from parasitism, diarrhoea, lung infections and other illnesses which affect some

80% of the indigenous people. In the second half of the year there was an outbreak of epidemic proportions which devastated the indigenous population in Chaco.

Faced with this situation, state action continued to be inadequate and limited. In some areas it was totally absent. An example of the state neglect of indigenous peoples is the paltry sum of USD 1 (one dollar) per indigenous person budgeted by INDI to provide health care for a year.

Difficulties and Doubts About the European Union and Paraguayan Government supported project

In 1993 indigenous people from Chaco together with national and international NGOs obtained restitution of lands claimed by indigenous peoples from the region as an essential precondition for the realisation of the second stage of the Sustainable Development Project for the Paraguayan Chaco (PRODECHACO), administered by the European Union (EU) and Paraguayan Government. Nevertheless, in later public statements local EU and Paraguayan Government representatives have rejected the existence of this precondition.

Indigenous people and indigenous and environmental NGOs have shown concern and dissatisfaction about not having been duly consulted and informed about the project. During a visit to the Paraguayan Chaco in June by EU vice-president Manuel Marin, indigenous leaders sent a letter in which they complained about the lack of indigenous participation in the project and asked for confirmation of the existence of the aforementioned precondition.

In spite of demands by indigenes and numerous NGOs, the Wasmosy administration does not appear concerned about the situation affecting indigenous peoples. Proof of this is the unjustified removal of the Austrian anthropologist Georg Brünberg (hired by the EU to evaluate the project); the Paraguayan Government specifically asked for his removal. This act which has yet to be adequately explained also shows that the EU does not clearly and firmly support indigenous peoples who demand the return of their rightful territories. It further demonstrates that the EU prioritises the Paraguayan Government over indigenous peoples.

This has become clearer after interviews with Joel Fessaguet, EU Ambassador to Uruguay and Paraguay, and the project's co-directors, Englishman Mike Holland and Paraguayan Oscar Ferreiro.

They are unable to satisfactorily respond when asked what would happen if the Paraguayan Government does not fulfil the preconditions. The situation is worrisome because with only several months before the final report is to be sent to the EU, the Paraguayan Government has yet to act on restitution of territories claimed by indigenous peoples in the Chaco. *Enxet* communities from Sawhoyamaxa, Lamenxay, Yake Axa and Yesamatathla; the *Ayoreo-Totobiegosode* people and many others have yet to obtain legal ownership rights of the land they claim (at least 1,200,000 ha in the Chaco region alone).

This implies one of two things: that the government is not interested in the EU project and will probably lose an important sum (USD 18,000,000) which would have allowed them to carry out a needed development project, or that the government will opt for a 'cosmetic' solution, and the project will proceed as planned. This means that indigenous peoples will be given and subsequently forced to live on lands which are not claimed by them.

Other Acts Committed against Indigenous Peoples

Some sixty *Avá-Guaraní* indigenous families from Itakyry (Department of Alto Paraná) were forced off their territory by a group of men sent by the alleged owner of the lands (May 1996).

The Enxet community of Yesmatathala (Department of Presidente Hayes) were removed from their lands, and their villages were destroyed on the order of the Bischoff family, current owners of their traditional lands, because of land claims made by the community several years ago. The Paraguayan justice system has been slow to respond to the eviction of the Enxet community, and the authorities and officials continue to inexplicably delay the case. Meanwhile, the community is dispersed, without work or food, wandering about in search of a place to settle down (May 1996).

Crescencio Enciso, the Avá-Guaraní leader, was shot and killed by unknown assailants for wanting to defend his people's land from further incursions and deforestation. He was a part of the Arroyo Mokoi community, Department of San Pedro (June 1996).

Tiburico Zavala, son of the leader of the Enxet community Esmeralda (Department of President Hayes) was supposedly tortured and later disappeared. The case has not been sufficiently investigated, and the perpetrators have not been punished. The victim's father claimed that the perpetrators were Mennonite secu-

rity personnel and some indigenes from the Loma Plata area (Chaco).

Avá-Guaraní indigenous people from Jejytymirí (Department of Alto Paraná) denounced new abuses violence against their community including the case of a minor who was raped by personnel from the company Perfecta SAMI; the company claims that the indigenous lands belong to them (July 1996).

The Human Rights Commission of the House of Representatives cited the chief of the national police, Mario Sapriza, in order to glean information about supposed abuses committed by national police officers against the *Mbya* community in Yvy Pyahú, Department of Caaguazú (July 1996).

Tomaraho indigenes from Puerto Caballo (Department of Alto Paraguay) were evicted from their lands. According to the complaint, the indigenes were misled by the INDI and moved to arid lands devoid of resources or any form of assistance (September 1996).

Enxet indigenes from the Los Lapachos communities denounced indiscriminate tree felling on their lands by land agents of a neighbouring ranch. Even though there is a court order to protect these lands, they continue to be deforested.

Enxet indigenes from the Yake Axa community presented a constitutional writ of habeas corpus to Judge Raúl Barriocanal against the company Torokay. The indigenes had to have recourse to the justice system because the firm, current owner of their traditional territories, blocked them from hunting there. The Judge, failing to take into account the national constitution and ILO Convention 169 (ratified by Paraguay in 1993) refused to hear the indigenes' just claim. Furthermore, it is important to add that indigenous people are going through a difficult period due to the precarious situation they find themselves in: lack of foodstuffs and numerous illnesses ravaging their communities.

URUGUAY

Introduction

For several years two institutions have been working on activities connected with the indigenous population. The Association of Descendants of the Charrúa Nation (Asociación de Descendientes de la Nación Charrúa - AdenCh) recovers the oral memories of its

members, cooperates with research carried out at the University of the Republic (Universidad de la República) on genetic indicators found in the Uruguayan population and it has claimed, from the time when it was founded, the remains of the *Charrúas* sent to France in 1832.

This claim involves a most gruesome story.

The Uruguayan nation was officially born in 1830, as a result of British diplomacy with the aim of dividing and weakening the great independence orientated federations of South America. Prior to this (1811-1820) the territory of Uruguay had witnessed the birth of a coalition of Indians, Negroes and poor Creoles led by Artigas; this coalition, however, had to face the opposition of colonialists and liberal independence thinkers of the cities of the region, especially from Buenos Aires, bent on defeating them. One of the first acts carried out by the Uruguayan State of 1830 was the genocide of the indigenous population of Charrúas. After this, there was, for almost a century, a generous social policy to attract poor immigrants, as long as they were white Europeans.

In 1832 four Charrúas (three men and a pregnant woman) were sent as prisoners to France and exhibited at a circus. French 'scientists' studied the woman giving birth to her child and studied the role played by her partner during labour. The woman let herself die and so did two others (a doctor and a warrior chief), and the dead woman's partner fled with his baby daughter in Lyon, no doubt aided by supportive French hands.

The woman was buried in a common grave, the doctor was embalmed and the warrior chief's skeleton was preserved. The Association of the Descendants of the Charrúa Nation is claiming the repatriation of these remains and so are several other provincial governments (municipalities) as well as other institutions like 'Sepe'.

The other indigenous institution in Uruguay is the Indigenous Association of Uruguay (Asociación Indigenista del Uruguay). Its principal objective is to support the small *Mbya-Guarani* ethnic groups living in rural areas in the country, and which have close links with larger groups living in Argentine provinces, in the south of Brazil and in Paraguay.

The Indigenous Association has also organised courses to teach Guarani, events to promote fraternising among Amerindian cultures, with the participation of groups like the *Mapuche* students from Chile who are currently studying at the University of Montevideo.

However, most of the descendants of the indigenous population live in the interior of the country and are part of the poorest sections of society and are not organised in independent groups.

There are also Afro-Uruguayan organisations in Montevideo as well as in several cities in the interior of the country. The most well-known internationally is Mundo Afro. In general, there are many more inhabitants with indigenous and African ancestors than had hitherto been admitted.

December: Third Aboriginal Meeting

The city of Tarariras in the department of Colonia is the venue of the annual Aborigenal get-togethers. In the main square of this small city, young people constructed a sculpture-group which depicts a huge bird's nest holding an indigenous couple with a baby at the mother's breast.

The back of the sculpture is the nest wall on which have been depicted native flora and fauna.

In front of the sculpture there is a pedestal with the inscription 'lords of this land/ friends of Artigas/ Where are they? Where?', and a group of native trees was planted.

At the Third Meeting it was decided that 11 April, 1997, (the anniversary of the massacre of the indigenous population) a special tribute to the indigenous population should be made with the greatest possible dissemination at the national level.

It is important to remember the historical situation which led to the Charrúa genocide.

This ethnic group lived in a territory which was colonised relatively late, so their lifestyle was intact until well into the XIXth century. They were part of the indo-afro-creole coalition under Artigas, and after independence, they claimed the rights that the old federation had recognised.

The liberal Uruguayan state decided to exterminate this culture. Using treacherous means, the President called the Charrúas to negotiate on the banks of the Salsipuedes River which is well-known for the flooding of its banks. The Charrúas were told to take their families for what was to be a national reconciliation.

11 April was the day of the massacre. On the following day the remaining women were captured with their small children and taken to Montevideo. The children were torn from their mothers arms and shared out among the wealthy families to ensure that these children would forget their culture.

The surviving Charrúas, led by Sepe, fought their last battle the following year where they killed the brother /nephew of the genocidal president.

It should be pointed out that this Third Aboriginal Meeting which decided to commemorate these historical events did not take place in the city of Tarariras but 20 kilometres away at a place which 200 years ago was a sanctuary for both Charrúa and *Minuan* cultures.

As the ADENCH has held public tribute meetings at the site of the monument to the Last of the Charrúas in Montevideo for several years, it was decided to join the ADENCH on that day, and on Saturday the 12th to hold the national commemoration tribute simultaneously in various parts of the country.

Another subject discussed at this Third Meeting was the situation of the Uruguayan citizen of Charrúa descent, Juan Carlos Borgono and his family. The Borgono children had been expelled from the local state school because their parents refused to have them vaccinated. The Aboriginal Meeting, which respects differences in cultural options, expressed their solidarity with the family, and it was decided to bring the issue to an international level. Unfortunately, the family have had to move to Argentina, where the mother comes from, as there was a court order to have the children forcefully vaccinated.

The SEPE Group is Born.

Within the framework of the recommendations of the Third Meeting , young people from places near the capital resolved to visit the site of the 1832 tragedy on 12 April.

Some of us had already visited the solitary surrounding area of the Salsipuedes River, and so we chose the camp-site.

So many people showed an interest that on early in the morning of 12 Aril, four buses left Montevideo and two more buses from other cities, to meet on the banks of the Salsipuedes. There were also many cars and bicycles from neighbouring towns and villages, responding to the local TV and radio broadcasting of a proclamation issued by the organising group.

For security reasons, the meeting took place downstream from the actual place of the ambush; we were actually in the very woods where the last of the Charrúa women had sought refuge in 1832.

The people formed small groups on the right bank of the river, among the dense vegetation. We shared food; we shared the historical events; and a deeply felt and moving tribute was offered to all

the indigenous followers of Artigas who had fallen at the Salsipuedes. In was a hot day, and the sun shone brightly.

'My son will one day be able to say, "I bathed in the Salsipuedes",' said a young woman from Montevideo, looking at the children happily splashing about together in the calm river.

Dozens of Charrúa descendants took part in the day's events as well as people from neighbouring areas who knew the surroundings and the history of the place well through oral tradition. The people had the privilege of hearing them speak their stories without the intervention of any expert.

As the afternoon fell, in the near-by city of Paso de los Toros, a TV reporter asked the organisers:

' We counted over 500 people at the Salsipuedes, many from Montevideo, but we saw no papers, not a single plastic cup left behind. What kind of people are you?'

At the auditorium of the small but historical city, where three years earlier the people's firm resolution had prevented the construction of an atomic power station, a representative of each campfire spoke, explaining what they had experienced on that day; all spoke in tones of deeply felt emotion.

Perhaps what made the day unforgettable was the enchanting virgin landscape which made a strong impact on the city dwellers who had not experienced this close contact with nature before. Or perhaps there was something else, something intangible.

The truth was that when we returned to Montevideo, we knew for certain, without saying it, that the group would not dissolve.

Today the group is known as SEPE, the name of many Charrúa and Guarani chiefs, but which is also the name of the last Charrúa chief who a year after Salsipuedes fought and beat a group of soldiers led by the brother/nephew of the president.

The SEPE group is working in several areas: for the repatriation of the remains still in Paris, for a revision of the national history programmes, for the publication of materials for children telling the true history of the country, and for permanent study of subjects connected with our indigenous, African and European roots.

We are in contact with indigenous and Afro-Uruguayan organisations, with research groups, with representatives of governments from several municipalities, with environmentally-concerned NGOs and with many people who are concerned about these issues and who join our proposals.

This group has no financing nor permanent authorities. Our chiefs and leaders appear on scene when there is a need for them and only for the time when they are needed, which is always short.

We are entering the stage when we will be contacting other organisations in the Latin American region.

We feel that we are contributing to the construction of a mirror for the identities of future generations, in a world that has become alienated by false images. We believe that this is a step that will make the future more viable for a small country like ours.

ARGENTINA

Violations of the indigenous people's rights continue to take place in Argentina. On the banks of the Pilcomayo River, which are home to members of five indigenous peoples, the building of an international bridge between Argentina and Paraguay continued in spite of the judicial complaints from the Lhaka Honhat Association of Aboriginal Communities that there were no previous environmental impact studies. Even the Salta Province Court of Justice refused to accept an appeal in defence of the environment that the organisation had presented. In order to make their views known, more than a thousand indigenous people in the area - men, women and children - carried out a peaceful occupation of the bridge, with the objective of meeting the provincial governor in order to set out the terms of the decree for the awarding of property titles in the territory.

The 'development' plans that had been encouraged by the previous government and are being carried through by the current one continue to threaten the lives of indigenous and Creole people, without previously consulting the former (Art. 75, Inc.17 National Constitution). It has been stated that the Misión La Paz community where the bridge is being built will in future be replaced by a frontier township with residential areas being built on land occupied by the houses that are currently inhabited by indigenous people. Furthermore, the government is planning to build access roads to the bridge over the community's farmland, conceded to them by provincial decree since 1967, as well as roads to link the community with the town of Tartagal.

All of this forms part of a regional development plan to connect Paraguay, Chile and Brazil, and the Atlantic with the Pacific coasts

across northern Argentina. The indigenous people consider the bridge and the related 'development' programmes to be an enormous threat to their land ownership rights and to the environment. This led the Lhaka Honhat Association of Aboriginal Communities to present a demand for protection before the Provincial Court. This was turned down. Lhaka Honhat then took their case to the National Supreme Court. Their extraordinary appeal is still in progress. Lhaka Honhat then filed a complaint that the building works had taken place without an impact study, in so doing destroying the local environment and taking no account of the consequent social costs to the indigenous and non-indigenous people living there.
On 16 September, at the end of twenty-three days of cold and hunger, they stopped their protest when the provincial government minister signed a document that obliged him to announce within thirty days the relevant decree that would set the criteria for the definitive adjudication of the lands of the (lots 55 and 14). This decree contemplates proportional distribution of land to indigenous and non-indigenous inhabitants. It also obliges all urbanisation projects and access roads to the bridge to be carried out with the due consent of the affected aboriginal communities. Once again, however, the state has failed to commit itself in practise to what it had signed.

As it is today, with the deadline long past and the governmental compromises ignored, the state provocation continues to threat social stability in the area, in spite of the warnings issued to the authorities by thousands of individuals and institutions inside and outside of Argentina, in solidarity with the indigenous people and their cause. Much further south, the *Mapuche* people continues to struggle for the return of territories that had been expropriated by the Argentine State in Pulmarí, currently under the administration of the Interstate Corporation. This corporation controls 113,000 hectares that ought to be returned to the Mapuche, but which to a large extent have been leased to private owners for between 25 and 50 years for tourist and forestry developments. In 1996 the indigenous messenger Verónica Wilipán travelled to the United Nations to negotiate the mediation of that organisation in defence of the unrecognised rights. In March a visit took place by an International Monitoring Committee formed by members of the European and Belgian parliaments and several NGOs like Médecins du Monde (France) and Wiggs (Switzerland). As a consequence, the commit-

tee formulated a report that they forwarded to the Argentine Government and the other parties involved in Pulmarí strongly criticising the violations of indigenous rights and confirming the accusations of corruption directed by the Mapuche people against the Interstate Corporation. The ombudsman asked the Secretariat for Social Development which measures they would take regarding the serious irregularities detected in their management of the Corporation. As a compensation the Corporation conceded pasture land to some indigenous communities to other groups' losses. It was furthermore discovered that they had given concessions of large stretches of land to third parties without planning and with no concrete criteria as to the commission to be covered by the adjudicators and that they had committed serious administrative irregularities. For their part, the Mapuche people demanded the annulment of 92 contracts for some 20,000 hectares. Contrary to what was expected the number of concessions actually increased. Moreover, the indigenous settlers of Aluminé were actively encouraged to occupy certain plots in order to promote confrontations, thereby weakening the indigenous cause and taking attention away from the causes that led to the conflict in the first place.

In July the Federal Appeal Chamber did not admit the Mapuche people's appeal for protection, instead charging two of their *lonkos* (chiefs) and two of their *werkenes* (messengers) with trespassing, ordering the immediate evacuation of the re-occupied plots of land. After several negotiations carried out by a number of organisms and indigenous organisations, the prisoners were released, though not without first having spent many days in prison. Following these events the Mapuche organisations stated their case to the National Institute for Indigenous Affairs, answerable to the Secretariat for Development, so that an arbitration committee could be formed to mediate between the affected parties and stop once and for all the judicial onslaught against indigenous rights. In spite of the documented evidence against them and the action of certain state organisms, the Corporation has persisted with its provocations.

This is not the only attack endured by the Mapuche People against their territorial rights. Their health is seriously endangered by the contamination of their lands, with petroleum spillage from the YPF company affecting the Colorado River basin and the water tables in the Paynemil where fourteen families occupying 4,500 hectares are seeing their own health, that of their cattle and the land itself being gravely prejudiced.

It has been shown that the latest blood and urine analyses carried out on the settlers reveal high percentages of lead and mercury. These results however are being kept secret. The oil company denies that the spillage are the cause of the high incidence of mercury in the blood tests, preferring to attach the blame to the mining companies upriver. The contamination caused by the company has rendered fifty-five hectares of land irretrievable and it is feared that two hundred hectares below the surface are also affected. The community has been protesting against the damage caused by the oil company since 1994. Although the Under-Secretary for Fuel and Energy declared that no further approval would be given for new wells until YPF repaired its pipelines, the company itself prefers to deal individually with the Mapuche and negotiate indemnities for each animal lost because of the oil. While they consider this to be a fitting compensation for the loss, the families continue to drink polluted water.

The Kolla People

In another part of the country the determined defence by the *Kolla* People of their natural surroundings has caused the felling of trees to be halted in the province of Salta. Paradoxically it was the irrational deforestation being carried out by Finca Santiago Limited that brought the long struggle to an end. The Iruya communities of Cortaderas, Isla de Cañas, Higueras Volcano and Colanzulí stood their ground and prevented valuable trees like the cedar, oak and jacaranda from being removed. Their resolve forced the national government to set a mediation process in motion and end the conflict. It was resolved to expropriate an area of 125,000 hectares, of which no more than twenty per cent is viable land.

In Orán, too, the Kolla People stood firm in their claims for ownership of territory before the provincial government. They were, however, faced by a formidable opposition, perhaps the most powerful economic force in Salta Province: the San Martín de Tabacal mill. Why was this more difficult than Iruya? Through Kolla negotiations, in 1993 the National Government passed a law expropriating some 19,000 hectares. The territory claimed by the Kolla, though, included a highland area of 79,000 hectares in the San Andrés farm that had been donated to the communities in decree 2845/86, which still remained pending. The highlands have little value in terms of subsistence and are only viable in summer. It was the mill's inten-

tion to concede the land on condition that the indigenous peoples surrendered their right to the fertile land. It was this situation that led the Kolla to take their case to the national government and ensure that at least this area of land would be conceded to them. Today they are faced with a new challenger. The North American firm Siboardt bought out the San Martín de Tabacal mill and seized the highlands. By harassing the families, stealing cattle and making death threats against the leaders, the multinational intends to force the families to give up their claim. Well aware of the economic value of the species in the forest, they show a total indifference for indigenous rights, chopping down the trees that remain on the mountain slopes with serious consequences for the future lives of the communities, for the wildlife and for the erosion of the soil. The thefts and aggressive action have been publicly denounced by the communities of San Andrés, Santa Cruz, Río Blanquito, Los Naranjos and El Angosto, while others are preparing a further mobilisation to make these crimes public and appeal for justice.

At the moment international organs, financial agencies and non-governmental organisations are becoming representatives for the activities that indigenous organisations are carrying out, which at times limits the role that their leaders wish to perform. Their participation is, however, frequent in the state organs, in all different kinds of projects. They take part, for example, in a project that started to develop at the end of the year, was subsidised by the World Bank and administered by the Centre for Community Organisations, answerable to the national executive. It has been difficult for indigenous people to clearly see the direction of this project, bearing in mind that some of their aims and methods are very similar to those of the Programme of Indigenous Participation. This creates confusion and division between the indigenous peoples since on the one hand it is the Secretariat for Social Development that supplies funding for its implementation by way of the National Institute for Indigenous Affairs, while on the other, the very same Institute participates in the World Bank project together with the Centre for Community Organisations.

It has to be said that on one level the national government's policy towards indigenous peoples has altered slightly and there is more willingness to improve the living conditions of its people. However, it fails to relinquish its role as tutor to the indigenous peoples, restricting the direct participation that they should exer-

cise through their leaders and representatives. One clear example of this is that the National Institute for Indigenous Affairs, who were supposed to implement National Law 23302 fails to comply with its obligation to integrate indigenous people into its board.

Even in those cases where they have delivered property titles to indigenous communities, the National Executive turns the occasion into a public relations exercise by declaring its interest in all things 'indigenous'. Great platforms are raised for the presentation to the press of plans that it plans to implement. the same could be said of the act of 26 October in Cushamen (Chubut Province). Here, President Carlos S. Menem launched the National Plan for Aboriginal Communities, announcing that 'lands will be measured and defined so that communities will be able to exercise the right to community property established by the National Constitution of 1994'. Over the course of two years they plan to deliver 250,000 hectares, rising to 1.5 million hectares some time in future. At the moment the only thing that is delivered is the possession of the land, something which traditionally belongs to indigenous peoples, while these have to wait for the definitive property title-deeds. What cannot be denied is that official indigenous policy is to take control of indigenous affairs while not taking part on the board of state organs.

The situation of the rights of those indigenous people who, for various reasons, have come into conflict with the anachronistic penal system is no less serious. Even where the regional penal court recognises the principle of adapting its handling of cases to the circumstances of the individual - or 'different treatment for different people' - there is no legal nor material framework to uphold this. Consequently, the principle is rarely put into action. If it is well known that the deprivation of freedom is not an ideal way of rehabilitating someone, it is even less so for a member of the indigenous community who is in no need of rehabilitation in the first place. In the majority of cases they do not have what criminologists would call a 'criminal profile' and furthermore, both in the penal process itself where the presumption of innocence should prevail and in the incarceration, a far more harmful phenomenon occurs - that of deculturisation. Irreparable cultural losses are suffered as a direct consequence of the imprisonment itself.

It is not difficult to find examples of discriminatory attitudes being taken by the supposed guarantors of constitutional rights (civil and indigenous), the law court judges. In 1991 fifty-seven

indigenous people were taken away in a refuse lorry belonging to the municipality of Clorinda (Formosa Province). In Chaco Province the lorry turned over, causing the death of five of the indigenous people together with that of the driver. The community launched a claim for compensation against the municipality for the losses incurred. These claims were accepted but with a minimal settlement. In 1996 the municipality appealed against the judgement. The Appeal Chamber came to the unprecedented conclusion that, although it might be true that the father of a minor might gain some future economic advantage from his daughter (if she had not died), it is equally true to say that he has been freed by the death itself from the costs of maintaining her. On the subject of moral compensation it was stated that 'bearing in mind the circumstances of the case, especially the way of life of the aboriginals, in which family ties do not have the same value as in the rest of the local community, the level of compensation is considered excessive and should be reduced'. This sentence was later confirmed by the Formosa Supreme Court on 26 November, 1996.

CHILE

Progress and development have been the main topics of debate in many political, religious and economic circles in Chile. However, when indigenous peoples are added to the discussion, in most cases it is only to expropriate their resources or forcibly integrate them; there is no involvement of indigenous peoples themselves in these discussions. One example is the possible construction of one of the largest electric plant projects ever in Chile: the Central Ralco (carried out by the National Electric Company, ENDESA). It is to be carried out in the Ralco region (the Eighth Region in the state) and will flood a large area causing *Mapuche Pewenche* families to abandon their land, the last resource linking them to their traditions - a resource which gives them their identity and wholeness as a people.

The elaboration of the discussion has taken place behind the backs of those affected. It has now turned into a fight between economic interests to which the Mapuche Pewenche people do not belong. A number of groups oppose this project citing significant damage to the area's ecology and other arguments. But for the Mapuche people this is a direct attack on their culture, traditions and very existence. It is important to underline that our culture's

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vision of the universe is founded on higher factors. Man's existence can not be separated from the environment; in fact, the opposite is true; the search for a true balance between mutual interaction is what define's all of man's actions. The Mapuche people are not opposed to progress nor development, we only demand that it be in line with the aforementioned principles.

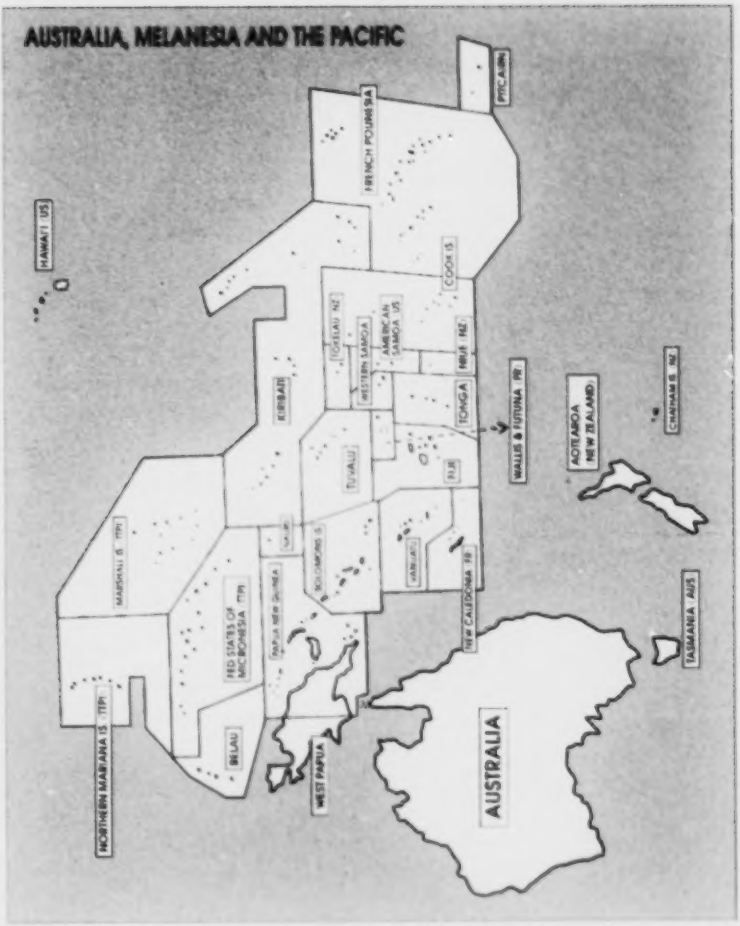
Since the time of Chile's colonisation, the Mapuche people have been forced to take refuge in land difficult to access, and all state policies have created a situation of marginalisation. However, at present a number of spokespersons have appeared on the scene announcing progress for all and integration. In the light of the aforementioned conditions this will only provoke a new situation of overcrowding and forced migration. The so-called progress is only for big business and never for the inhabitants of the affected regions.

The case of the alternative motorway to the city of Temuco (the 'By Pass' project) is a clear example of the situation described above. It is said that a project of this magnitude will create jobs and once again, the recurring word, 'development'. One after the other, all the initiatives of this endeavour have harmed Mapuche communities; there are no examples of the opposite being true. Land has been expropriated, and over the years strategies have been developed to continue evicting residents from their lands. That is why no Mapuche communities exist alongside any of the main roads in the eighth, ninth and tenth regions in Chile.

In this same context dynamic institutions created to administer state policies towards indigenous people including CONADI (National Corporation for Indigenous Development, an organ created under pressure from numerous organisations after Chile became less authoritarian) have been the site of a battle between political parties. This only confuses and leads astray our people. Officials have been appointed without any consultation with us and recently, in view of some advisors' positions with respect to some of the projects, the directors have been replaced. This is a distractive manoeuvre intended to stop any recognition of the Mapuche people's rights which we have tried to obtain via some leaders.

At present, Mapuche organisations have taken a stand to protest theses attacks. We have demanded that the Chilean Government act in accordance with the approaches regularly announced by their representatives in international forums and meetings in which an

image of respect for basic principles of coexistence and human rights is regularly maintained. We are certain that the Mapuche people will be capable of counteracting and successfully overcoming this period in time where policies drawing from cruel and merciless market principles have corrupted the minds of politicians and government officials who try to sell, exploit and reduce to a minimum that which gives reason to human existence, identity and the right to be present and control one's own development following the patterns and values which their culture has provided them.



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AUSTRALIA, MELANESIA AND THE PACIFIC

AUSTRALIA

On 2 March, 1996, a new Australian national government was elected. The changed tone of Australian politics since then, with its signals to non-indigenous Australians about indigenous peoples, is the most important story of the year. New prime minister John Howard wanted to remove indigenous issues from front pages and TV news, believing his predecessors had given them too much importance. Since the election, however, Aborigines and Torres Strait Islanders have had more media coverage than ever before. A year after coming to power the Prime Minister devotes much of his time and public statements to indigenous issues. If he is a sort of Harry Truman of the suburbs, taking the country back to modest purposes after times of change, public polls and the daily news show indigenous peoples to be one of the areas where homespun low-key approaches are not working.[1] Unlike two other big problem areas: university funding and foreign relations, Howard is very visibly in charge of indigenous policy.

Much national attention and controversy surrounding indigenous affairs results directly from the attitude and ineptitude of the new government. Much results from actions and words of States and Northern Territory (NT) who believe the new government in Canberra will allow them to 'get tough' with Aborigines. However, much also comes from the many public figures and media commentators who had been content to leave indigenous affairs to activists and experts in the past. They have been spurred into action by a public whose more xenophobic, insecure, or hate-filled members have taken their cue from governments and targeted indigenous people, as well as Asians and other immigrants, for abuse. Whether a moderate middle can succeed in building social and political consensus to rescue indigenous policy from reaction and crisis remains to be seen.

The problem is being rapidly internationalised. Now the press in Asia mixes philosophical ruminations on Australia's race relations history with anecdotes about tourists and students who have experienced Australian racial feelings firsthand. The refusal of the Howard government to

accept a mild commitment to human rights in a trade treaty with the European Union has raised eyebrows on both continents, with Aborigines speculating in the media that this is a defensive move by a government preparing to extinguish 'native title' and fearful of international reaction.

Visitors from overseas as diverse as US President Clinton, the Dalai Lama and a black South African Catholic bishop gently but firmly counsel Australians to view their social and cultural diversity as a strength and to live in harmony. Aboriginal leaders as well as white public figures at home, by no means 'extremists', are speculating aloud about the Olympics to be held in Sydney in 2000. Will some foreign nations boycott a racist Australia?; will world media scrutiny have positive effects on indigenous policy?; will governments try to suppress or ignore racial protests as in Brisbane's 1982 Commonwealth Games?

In its first year the Howard government has suffered no real political defeat from any outside forces. Its failures and stumbles have been many, but all self-inflicted. If the Labor opposition has the will to fight hard on indigenous rights - and that has not been evident - it must inform and mobilise public opinion in a way it failed to do when in government. The danger is that Labor will simply walk away from the fight. The only opposition strong enough to re-direct Howard may come from his Coalition caucus: at some point his eager and grasping party cohorts will surely reject his vision of a 'relaxed and comfortable' Australia. They want to be seen as clever and contemporary, not quaint and cosy.[2] Once the novelty of office wears off, the Howard vision may quickly fade.

Process and Politics

The conventional wisdom is that Labor alienated some of its traditional voters by appearing too close to *avant-garde* lobby groups such as environmentalists, Aborigines and Torres Strait Islanders, the women's movement, etc., while seeming casual about the pain of persistent unemployment, the death of established industries, the sale abroad of Australian icon brand names, the struggle of middle income earners, and rural decline and drought. Like so much political wisdom, this can be self-serving. For instance, leading Queensland Labor figures who never favoured stirring the deep pool of racism now believe themselves proven sages, and are seeking to infect national party strategy and programme. Racism is not confined to any party, nor is tolerance. Rather, the great danger is that rights and needs of indigenous peoples are becoming a politically taboo area. A defeated Labor minister in Brisbane complains that his party had become 'decidedly liberal', forsaking its 'xenophobic

and conservative [past] on cultural issues such as immigration and race', and that 'supporting women ... and the human rights agenda' was his government's downfall.[3] Meanwhile, every day seems to bring a new report of extreme indigenous disadvantage, each notable for its lack of political impact.

A good study of Australia's national indigenous affairs administration, explaining it in international context, has at last been published.[4] The analysts show that ATSIC (Aboriginal and Torres Strait Islander Commission), the national indigenous agency, cannot reconcile its role of elected indigenous voice with status as a part of the federal bureaucracy. There are also strong tensions between regionalism and centralism in ATSIC and in indigenous policy. However, the Howard government's attacks on ATSIC from his first hours in office have improved its image with many Aborigines. By talking dismissively of 'the Aboriginal industry' and 'the guilt business', as he sees indigenous affairs, and by appearing to attack the very indigenous persons trying to help their own people, Howard has mixed a very strange message with his calls for self-help.

Indigenous peoples across northern, central and western Australia, and in other rural areas, will never settle for anything short of regional autonomy. Nothing less will enable them to solve their much publicised problems. Particularly worrying are 'law and order' campaigns in Queensland, Northern Territory and Western Australia which are often little more than local and regional crackdowns on indigenous peoples. As the much ignored national study of *Racist Violence* showed, Australia's close official control of Aborigines is morally unacceptable and unsuccessful as a social strategy.[5] Australian governments in their 1996 gun control policy accords rejected an American-style culture of violence; one may hope they will also pull back from the brink in crosscultural policing and justice administration.

Torres Strait Islanders

The Torres Strait Islanders have newly restated regional intentions through their Regional Authority.[6] The *Corporate Plan* begins with 'our Vision', to empower our people to determine their own affairs based on our unique Ailan Kastom bilong Torres Strait from which we draw our unity and strength followed by 'Our Goals':

- Gain recognition of our rights, customs and identity as indigenous peoples;
- Achieve a better quality of life for all people living in the Torres Strait;

- Develop a sustainable economic base, provide better health and community services, and ensure protection of our environment;
- Assert our native title to the lands and waters of the Torres Strait.

In 26 objectives for 1996-2000 attached to this corporate plan, No. 25 is to 'Develop and maintain links with indigenous people throughout the world with whom we share common experiences'. While Greenlandic and Canadian Inuit leaders have met with Torres Strait leaders, and the Torres Strait leader, Getano Lui, Jr., has visited widely in the South Pacific (and in 1993 travelled to *Sámi* fjords and meetings in northern Norway), real working ties have not yet developed. Perhaps with the arrival of Papua New Guinea oil production at the eastern end of Torres Strait and shipment through their own waters, Islanders will now draw on the considerable experience of Inuit and other northern hemisphere peoples with oil and gas projects.[7] The Islanders have a great deal of work to do in developing proposals for regional political and legal structures. A federal parliamentary committee now investigating 'greater autonomy' for Torres Strait may help, as may a pilot native title claim for Saibai Island and a sea claim test case in the Northern Territory. The contemporary Torres Strait situation is becoming better known in Australia thanks to Eddie Mabo's long struggle and the 1992 *Mabo* decision.[8]

'The Old Round of Unhappenings'[9]

The *Hindmarsh Island bridge* may have been the one indigenous issue which really did affect the 1996 federal election outcome.[10] However, a series of other highly emotional issues had more prominence in 1996. The *Stolen Generation* inquiry of the national Human Rights Commission held hearings around the country at which countless Aborigines told of their forced removal, usually by stealth, from their mothers and handover either to white families elsewhere or state- or church-run institutions where they often suffered physical and sexual abuse, not to mention emotional and cultural deprivation. One would think any modern politician sensitive and sensible enough to keep his or her mouth shut about such matters, but Howard government ministers poured salt into wounds and even told the media how fortunate indigenous leaders had been to get the advantages of the white man's world. Many or even most of the indigenous political leaders around the country had themselves been removed from their families, so the government gave persons already sceptical of its intentions and competence a very personal source of bitterness in their relations.

In the midst of this came a new book by one Geoffrey Partington praising past *assimilation policies*.[11] The author had dug out arguments

for assimilation of former Australian statesman, Paul Hasluck, and misrepresented the calls for indigenous autonomy of another, HC Coombs, as separatism. Unfortunately, the media gave almost no attention to the two recent books of the ailing Coombs on the subject under discussion, but printed demands that he come forward to justify himself, although silenced by strokes at the time.[12] Coombs' views, it was cheerfully suggested, had brought great hardship to Aborigines who had been better off when their lives were managed by whites! This 'debate' attracted the usual reactionaries but received alarming credibility when the federal indigenous affairs minister helped launch the book. The press and others gave the book more attention than it deserved, but being a philosophical debate on policy, it did reveal just how reactionary the Australian governing classes were prepared to be - and how unable to grasp indigenous aspirations.

The RTZ-CRA subsidiary, *Century Zinc*, in north-west Queensland near the Gulf of Carpentaria, provided another endless saga. When the development-friendly (and indigenous-unfriendly) Labor state premier posed like the prophet Elijah on a desert mount with Century executives and proclaimed that this was 'such stuff as dreams are made of', he was more perceptive than he knew (Page 1, *Courier-Mail*, *9-11-95*). Shakespeare's *stuff* quoted was only 'thin air', after all, and so this project has seemed. Despite months turning into years, with Century, local Aborigines and black and white politicians elsewhere shouting threats or pleas, while one day's furious adversaries are the next day's cosy pair abusing others, the whole project has slipped away at repeated deadlines, despite a new Coalition premier staking his credibility on it succeeding. More Greek than Shakespearean drama, major characters blow in, speak into the middle distance, or at someone absent, and then vanish again, leaving a public chorus to resume wailing about the difficulties of Aboriginal negotiations and injustice of native title. Environmental problems, doubts about a hidden company agenda, indigenous inter-generational differences and lack of a government framework have all been problems. Like Hindmarsh, Century has done much damage to wider indigenous interests by providing opponents with a case study in project failure where an apparently willing company cannot succeed, even when following all the twists and turns of negotiation and approval processes. The full story, when it eventually emerges, should be instructive.

The federal minister, a well-meaning elderly surgeon, has been perhaps the most hapless of actors in the year's events. Appointed for his background in health services, which the Howard government came to power defining as the real Aboriginal issue needing attention, he has been

ill suited to real life in contemporary ethno-politics. When under attack, he or the Prime Minister reply, as if to end debate on his suitability, by boasting that he served a stint as medico in the Rwanda genocide. No doubt one dark-skinned person is much like another in many Australian minds, and perhaps it is shrewd to compare victims of genocide driven from their usual territories in both Africa and Australia.

After repeated demands in the media for a general indigenous policy from a government going from fiasco to fiasco, the minister was sent to deliver one. He suggested that 'self-determination', the alleged Australian indigenous policy principle, be replaced by 'self-empowerment', and that the army go into desperate indigenous communities and build basic services like sewers and water systems.[13] Indigenous leaders inevitably wondered why the government had earlier cut funding for indigenous communities to hire unemployed persons to do just such work.

When challenged, as he is constantly, Prime Minister Howard dismisses policy critics as implicit or explicit partisans of his Labor enemy. By his reckoning, anyone who has known Labor is suspect, which means everybody involved in Australian public life for more than a decade. People who question his indigenous or other policies are being unfair, are not recognising that there is a new way of doing things. In fact, his approach is not new, but archaic. Even if a do-nothing approach could work in the past, it cannot work when society and indigenous politics have already moved on.

The Wik Decision

However, a major policy issue appeared at last. As the country retreated into the long summer holiday, the High Court *Wik* decision was announced on 23 December, 1996, surprising many experts by finding that 'native title' could continue to exist on the large pastoral leaseholdings which cover about 40% of the Australian continent.

Wik's meaning is limited, however. The court voted 4-3 that indigenous traditions such as ceremonies or food-gathering could continue on grazing lands if these activities did not interfere with the grazier's activities. Some of Australia's individual cattle properties are as large as EU member countries. In other words, people might visit a sacred place if the time and activity did not disturb work going on there. In any conflict the grazier interest took priority over indigenous interests.

The grazing of sheep and cattle is a major icon of Australia's European history. Recent ruthless government policies applying free-market principles to 'the bush', as well as the attractions for young people in city and beach life, have seen country towns and many farms and pastoral

stations dying. Large parts of the country have been suffering the longest and most severe drought in memory. To hear that the indigenous people, long ago dispersed to make way for modern Australia, might still have legal rights to the land, seemed a bad joke to many rural whites. Their view of Aborigines is often that Aborigines are simply a people unfit for today's world.

The Wik are peoples of the east coast of the Gulf of Carpentaria, i.e., the west side of the great Cape York Peninsula in North Queensland. Cape York has a mythic place in Australia. It is 'the last frontier', the last real wilderness, where equatorial rainforests and other exotic eco-systems are almost impenetrable or uninhabitable to all but the Aborigines who live there. From the northern tip spread the islands of Torres Strait to the north and north-east, islands whose Melanesian people represent an exotic society beyond all Australian customs, expectations, and lifestyles. The Cape York Aborigines and Torres Strait Islanders are seen by many Australians as the last defenders of Australia's original cultures, natural history, and unspoiled nature, their region being the last place where Australians may be able to protect and maintain something other than the industrial landscapes and financial market frenzy engulfing the world.

Wik has been a convenient scapegoat for governments. State and national politicians can now turn the anger of rural people against Aborigines instead of against themselves and against their free-market radicalism and other policies (e.g., gun control, transportation, rationalisation of services and facilities) which favour the city over the bush. The Howard government was already reviewing the *Native Title Act, 1993*, intending both to streamline processes and restrict Aboriginal rights. *Wik* has given the Prime Minister an excuse to be tough. State and NT premiers, some of the rural and grazing lobbies, and much of the mining industry, as well as 'talk-back radio', are behaving with near hysteria. In Queensland the premier excites fears one day, and calls for calm the next, while leading a national campaign of wild rhetoric denouncing ths High Court judges.[14] The premier is also publicly boasting of his strategies to secure a federal anti-*Wik* senate majority of one, causing speculation that the Prime Minister will extinguish native title as his reward.

The Brisbane newspaper's cartoonist, Leahy, had a simple piece on 8 February, 1997, 'Olympic Wik'. It showed a burning *wick* set to ignite the familiar Olympic five rings, shaped as a bomb, if government extinguished native title. The Olympic Games to be held in Sydney in the year 2000 are a national obsession. Sport is Australia's most visible national achievement, and one of the country's few uniting forces. Just to be on the

safe side Australia recruits star athletes and even whole teams and coaches from poor or troubled countries. A year ago only a few activists mentioned the opportunity for national embarrassment when Aboriginal protesters meet world media at the Olympics, but now it is openly discussed by white and black moderates.

The Olympics, and celebrations of the centenary of Australian nationhood in 2001, are coming fast. Nationhood was built on the dispossession of Aborigines and Islanders and exploitation of their lands and seas. The federation of the six colonies as states of a new united Australia left indigenous peoples out. And now the Northern Territory hopes to join under the old rules as a sort of centenary - yet another gift of black indigenes to white settlers (see *The Indigenous World, 1995-96*, page 130)

Conclusion and Prospect

The Howard federal government is leading a retreat, a happy retreat for most state and territory governments, from Australia's reunion with the world on indigenous policy achieved slowly and cumulatively by Labor and Coalition governments under Holt, Whitlam, Fraser, Hawke, and Keating. 'Smart' politicians in Australia believe that Aboriginal and Islander reforms were foolishly promoted by the Labor government in power nationally, 1983-96, and played a part in that government's defeat. In truth, only the Labor prime minister and indigenous affairs minister had talked publicly about these matters, albeit marking out a new style in policy. They helped Australia to catch up with the rest of the developed world, but were by no means brash. *The Indigenous World 1993-94*, commented on the dangerous fragility of that official effort (pp 83, 87). Meanwhile, the Howard government's first year in indigenous policy has been a dreary succession of lessons unlearned and daily humiliations. Its most obvious feature is the Coalition's boundless desire to be taken seriously by being seen to put its stamp on public affairs, even if by painting the roses in the garden or renaming them. There has been no evidence that the government understands indigenous identity, aspirations, or ethno-politics.

Since March 1996 many voices have been heard in news media, journals, churches, and public gatherings speaking out for Aborigines and Islanders against the assaults of government leaders, policy-makers and simple or cynical populists. The community is reclaiming the national conscience on indigenous policy from experts and governments. However, the extent of active global concern and support for indigenous rights is little known in Australia, and therefore an idle resource. The usual

reply to foreign criticism is that Australia has a human rights record as good as that of countries who criticise. The answer to that may be that it also has the worst record of socio-economic outcomes among indigenous peoples of any 'first world' country, a record which is worryingly persistent, while its recent past of official exclusion of Asians from immigration and indigenes from citizenship requires a large burden of proof in the eyes of Asian neighbours, and of European or North American friends.

It is ironic that the peoples who are most purely and solely Australian - Aborigines and Torres Strait Islanders - are those most likely to teach governments and public with cultural derivation abroad that the era of continental isolation and of claims to moral exemption is over. They have no choice but to appeal to the world. At home their recent renascence as self-conscious political and cultural communities is under sustained government attack; their few rights belatedly recognised are being discredited and rolled back by national leaders (as is the legal system which recognised them); and they are again to be mere unfortunates and sick persons given benevolent and firm care - cut-rate care, at that! - on the fringe of the white man's world, while the power and security of those who have taken their territories to eke out even the most marginal pastoral living are confirmed. Observers may wonder if Australia's desire to make itself more acceptable to Asian governments, e.g., by rejecting human rights references in European Union treaties, includes rejecting the post-imperial European human rights conscience and returning to 19th century styles of unfettered resource development in the territories of indigenous peoples, without their consent.[15]

Sources:

In addition to many discussions throughout the year with indigenous organisations, non-indigenous officials, politicians, academics, journalists, lawyers and various others, main news sources are *The Australian* and the *Brisbane Courier-Mail* newspapers, and their weekend editions, as well as television news, i.e., commercial television networks Nine and Ten, and state-owned independent networks ABC and SBS. A wide range of specialised and general literature was also consulted, as well as conference papers, work in progress, etc.

Notes

1 The Weekend Australian *and* Sydney Morning Herald *published in-depth polls on the weekend of 1-2 March, 1997, as part of their spate of commentary to review Howard's first year in power. Despite different methodologies and questions, both polls agreed on main points including indigenous affairs.*

[2] *Voters were warned. In the year before the election, Howard's former chief of staff published a book in which he dwelt on Howard's inability to understand or accept social and cultural diversity (Henderson G. 1995:* A Howard Government? Inside the Coalition,*Sydney: Harper Collins).*

[3] *Healing Labor's ills' by Gary Johns,* Courier-Mail, *4-3-97. No doubt others in the party think that women, being more than half the voters, deserve attention.*

[4] *Sullivan P. (ed) 1996:* Shooting the Banker: Essays on ATSIC and Self-Determination, *Darwin: Australian National University North Australia Research Unit. Sullivan's concluding essay, 'All Things to All People: ATSIC and Australia's international obligation to uphold indigenous self-determination', pp 105-129, is especially valuable for overseas readers.*

[5] Racist Violence: Report of the National Inquiry into Racist Violence in Australia, *Canberra: Race Discrimination Commissioner, Human Rights and Equal Opportunity Commission, 1991.*

[6] *See* About the TSRA; Annual Report, 1995-1996*; and* Corporate Plan, *including Objectives for 1996-2000, Queensland: Torres Strait Regional Authority, Thursday Island, 1996.*

[7] *For the oil project see Kennedy D. 1996: 'Development or Sustainability at Kutubu, Papua New Guinea?',* Resources, Nations and Indigenous Peoples: Case Studies from Australasia, Melanesia and Southeast Asia, *ed. Howitt R, Connell J & Hirsch P. Melbourne: Oxford University Press, 236-250.*

[8] *See Loos N & Mabo K. 1996:* Edward Koiki Mabo: His life and struggle for land rights, *Brisbane: University of Queensland Press; and, Sharp N, 1996:* No Ordinary Judgement: Mabo, The Murray Islanders' Land Case, *Canberra: Aboriginal Studies Press. More books are being written.*

[9] *Remark by Samuel Beckett, 1933, to a friend, quoted on page 170, Knowlson J, 1996:* Damned to Fame: The life of Samuel Beckett, *London: Bloomsbury.*

[10] *Mentioned in last year's edition, pp 128-9. Overseas readers can find a basic chronology of events in Brunton R, 1996: 'The Hindmarsh Island Bridge and the credibility of Australian anthropology',* Anthropology Today, *Vol. 12, No. 4, August 1996, 2-7. At least one book is now published and more will surely follow, but the new government is mired in the issue and any summing-up is premature. In the same period there was another national fuss in which a lonely English-parented schoolgirl published a supposed family memoir of Nazi-era genocide in Ukraine. One hopes both cases will be discussed together for insight into Australian society or modern times.*

[11] *Partington G, 1996.* Hasluck vs. Coombs: White Politics and Australia's Aborigines, *Sydney: Quaker's Hill Press.*

[12] *Coombs HC, 1994:* Aboriginal Autonomy: Issues and Strategies, *Cambridge University Press. Coombs HC, 1996:* Shame on Us! Essays on a future Australia, *Canberra: Centre for Resource and Environmental Studies, Australian National University.*

[13] *Herron J, 1996.* Joe and Dame Enid Lyons Memorial Lecture *[1996], Indigenous policy statement by Senator John Herron, Minister for Aboriginal and Torres*

Strait Islander Affairs, Commonwealth of Australia. Delivered at the Australian National University, Canberra, 15 November 1996.

[14] The 7:30 Report *on ABC television, 28 February, discussed the Queensland-led campaign against the courts in light of 15 years of failed Queensland indigenous rights cases including* Koowarta, Mabo *and* Wik *which have established Australian indigenous rights law in the teeth of Queensland's official race policies.*

[15] *A new book of studies reveals that there is little cause for optimism in any case. Howitt R., Connell J. & Hirsch P. 1996:* Resources, Nations and Indigenous Peoples: Case Studies from Australasia, Melanesia and Southeast Asia. *Melbourne: Oxford University Press. The editors' introduction is a good discussion of the scale and nature of the problems today.*

THE PACIFIC

The region of the Pacific covers about one-third of the area of the globe. The encompassed land mass is less than 100,000 sq km, not including Australia, the island of New Guinea, Hawai'i and Aotearoa (New Zealand). Including the two hundred mile Exclusive Economic Zones authorised by the 1982 United Nations (UN) Convention of the Law of the Sea, however, the nations of the region in fact (on the paper) control the use and conservation of all resources within a substantial part of the Earth's surface. About 2.5 million people live within the Pacific, again not counting the populations of New Guinea (Papua New Guinea (PNG) 4.4 million and West Papua 1 million), Hawai'i (1.1 million), Aotearoa (3.2 million) and Australia (15 million). The majority of the populations of the states within the area are indigenous, except for Kanaky (New Caledonia) (43% indigenous), Fiji (46% indigenous), Guam (42% *Chamoru*), Hawai'i (20% *Kānaka Maoli*, indigenous Hawaiians), Aotearoa (15% *Maori*) and Australia (2% *Aborigines*). In Te Ao Maohi (French Polynesia), 70% of the population are *Maohi*, indigenous.

Immigration through the last centuries has shaped the Pacific nations today, but emigration has been and is an important factor as well. The travelling tradition of Pacific Island peoples has gained impetus with new forms of communication and experiences of political subjugation and economic dependency. Emigration from especially the freely associated and other dependent states is of substantial proportion. Even from some of the constitutionally independent states, primarily the Polynesian nations, large numbers of the natives have emigrated to the countries of their former colonial powers or to other Pacific islands. More than two-thirds of the population of American Samoa now live in Hawai'i and on the West Coast of the United States. About one-third of the Kānaka Maoli of

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Hawai'i live outside Hawai'i, more than one-third of the Tongans have left, and more than half of the population of the former and present New Zealand territories of Tokelau, Niue and Cook Islands live abroad.

Status of Indigenous Peoples and Nations - and Decolonisation

The first peoples of the Pacific consider themselves indigenous to their lands. They recognise cultural ways and values which bind them together. By self-definition, therefore, they are indigenous. But only some of these peoples are recognised as indigenous by the international community or the foreign ruling powers in their homelands.

The United States Government seems to consider 'their' indigenous peoples of the Pacific to include the Chamoru, the American Samoans and the Kānaka Maoli. These were the speakers invited to an August 1996 hearing in Honolulu on the United Nations Draft Declaration of the Rights of Indigenous Peoples. Also present were representatives from Micronesian peoples, who consider themselves indigenous.

The Maori of Aotearoa, the Kānaka Maoli of Hawai'i and the Aborigines and Torres Strait Islanders of Australia are usually identified as indigenous peoples - Fourth World peoples in First World countries. The Maohi of Te Ao Maohi also belong to this category.

The *Kanaks* of Kanaky (New Caledonia), the East Timorese peoples and the *Tokelauans* are - with the Chamoru and American Samoans - considered indigenous in the international forum. These are peoples belonging to nations listed on the United Nations list of non-self-governing territories with a right to decolonisation through a process actively supported by the administering powers and watched over by the United Nations Decolonization Committee (the so-called 'Committee of 24').

The year, 1998, is not only an important year for French colonies. It will also be the hundredth year of the United States' official colonialism. The peoples of the island nations of Guam, Hawai'i, Samoa, the Philippines, Puerto Rico and Cuba are preparing actions throughout the island nations to raise awareness of the situation of the indigenous peoples and to speed up the decolonisation process.

While the Nuclear Free and Independent Pacific movement in their December 1996 Conference in Suva, Fiji, resolved to work for a re-inscription of Tahiti-nui, West Papua and Hawai'i on the UN list of non-self-governing territories, strong forces among United Nations member states (including the USA and France) have been trying to eliminate the Committee - without luck, so far. The United Nations General Assembly voted in March 1997 to let the committee continue another year, the

seventh year of the so-called Decade to Eradicate Colonialism (1990-2000). United States' support of the dissolution of the Committee was severely criticised by Guam's delegate to the United States' Congress. The US mission supposedly tried to remove mention of Chamoru right to self-determination from the Committee's resolutions. Guam is a United States Territory, whose government is negotiating for a Commonwealth status, while the Congress is moving very slowly on the matter and the indigenous movements of Guam is looking into a range of possible forms of self-determination. One of the groups, the Chamoru Nation, is now represented in the Guam Senate by Senator Angel Santos.

IWGIA, which is in the process of strengthening its relations in the Pacific in order to enhance communication among indigenous peoples and NGOs and to document and disseminate information about their situation, has a broad and open definition of indigenous peoples. Indigenous peoples are peoples who typically comply with one or more of the following criteria: they have strong ties to the land; they have lived on their lands since before colonisation, but are today socially, culturally or linguistically marginalised; they are culturally distinct from other peoples; they inhabit marginal regions (often resource-rich areas of substantial ecological importance); they are or have been dominated by other peoples in control of the political and economic power; and, most importantly, they identify themselves as indigenous peoples.

Many other peoples in the Pacific than those recognised by the international authorities consider themselves indigenous. The new Melanesian states each consist of several culturally and linguistically distinct groups, some not interested in being part of a 'modern' nation-state where boundaries have been defined by colonial history and the political leaders often come from a few specific families or groups - trained in centralised government by the withdrawing colonial powers. Some examples are the peoples of *Santo* and *Tanna* in Vanuatu and the *Bougainvilleans* of the North Solomon Province of Papua New Guinea.

In Micronesia and Polynesia, some of the small, supposedly independent island nation-states likewise encompass several peoples. The situation is further complicated by the fact that they at the level of the nation-states also are colonised in a new way. The political and military subjugation to foreign forces has been replaced with economic dependency on the former colonial powers, international corporations, multinational banks or development agencies - the global systems of commerce and resource exploitation are setting limits for these peoples' options for deciding their own form of government or development. The first peoples

(often majorities in these new nation-states) are only nominally in control of their own lives, and they continue to suffer tremendous social and cultural degradation, resource exploitation and environmental destruction, including the above-mentioned monumental emigration.

Tokelau

Tokelau is at present preparing itself constitutionally for 'an act of self-determination' under UN protection. The population of 1,600 primarily depending on subsistence production, coconuts, fish and aid, is probably in favour of some kind of continued association with New Zealand, perhaps something along the lines of what the New Zealand Law Commission Director in 1993 suggested for small island states: 'sustained autonomy'. Until the initiation in 1976 of the UN investigation missions, Tokelauans did not really consider themselves colonised: 'This was somehow new to us because we always believed we were politically autonomous even though a colony of New Zealand' (Statement by Tokelauan to the United Nations Committee on Decolonization in 1987; quoted from Ingjerd Hoëm: A Sense of Place, 1995:42). Except for a growing public service sector and infrastructure into which much of the aid-money is going, life has not changed much in the Islands, where the Council of Elders still have the political authority. This might explain the feeling of autonomy.

Kanaky

The French overseas territory of New Caledonia is considered a colony by the indigenous peoples there. They call themselves Kanak and their homeland Kanaky. After years of struggle and lobbying, in 1986 the UN reaffirmed Kanaky's right to self-determination and reinscribed the nation on the list of non-self-governing territories. This decision did not end the struggle for self-determination.

In 1988 the French Government, the Kanak Socialist National Liberation Front (FLNKS) and the anti-independence party, Rassemblement Pour la Caledonie dans la Republique (RPCR), entered into the *Matignon Accord*. According to the agreement, the people of Kanaky will hold a referendum in 1998 to determine whether to remain within France or accede to independence. When and how is still not clear. FLNKS has suggested that Kanaky becomes independent in 1998 with a three year transition period thereafter, whereas RPCR suggested to first have a thirty years 'pact of peace and development', and the French government suggested autonomy within France. The Kanak are a minority in their own land because of heavy French and French Polynesian immigration

and will therefore also be an electoral minority in the 1998 referendum. The electoral form currently being implemented will mean that the Kanak will lose the referendum in 1998. The experience and example of Kanaky is something to considers for other peoples who are seeking reinscription on the UN list of non-self-governing territories - it is only a beginning.

One part of the Matignon Accord stressed the importance of using the ten years from 1988 to 1998 to improve the social, economic and political situation of the Kanak, and FLNKS consider local control over the nickel mining industry a precondition for political self-determination. They are planning a joint venture with a Canadian company for a nickel smelter and infrastructure in the Northern Provinces, but the deal is being blocked by a French company (with government interests) - even though the French Government has consented to it.

Bougainville

Many Bougainvilleans consider themselves colonised by the Papua New Guinea Government and for them independence is a logical solution. Even before PNG's independence in 1975, there was a widespread feeling that Bougainville should be either independent or part of the Solomon Islands. But PNG has had strong economic interests in Bougainville all along because of the rich copper deposits and the profitable mining operations in Panguna. Nine years ago the violations of human rights and destructive environmental and social effects of the large mining project had become manifest, and Bougainvilleans eventually organised themselves in the Bougainville Revolutionary Army (BRA) to protest the exploitation of themselves and the destruction of the environment around the Panguna copper mine. This situation evolved into guerrilla warfare between PNG and the BRA. More than a thousand people have been killed since 1988.

In early 1997 the Papua New Guinea Government tried to 'solve the conflict' and secure the Bougainville Copper Limited and its mining operations' proceeds for PNG by hiring seventy mercenaries through 'Sandline International', who describes itself as a company 'specialising in rendering military and security services of an operational, training and support nature, particularly in situations of *internal conflict* and only for and on behalf of *recognised governments*, in accord with *international doctrines* and in conformance with the *Geneva Convention*' (quoted from the contract between Sandline and the PNG Government, signed 31 January 1997, italics added).

Sandline is a transnational company. Its headquarters is in London, and the employed mercenaries come from South Africa, Ethiopia, Great Britain and elsewhere. The chief executive of Sandline is a former senior United Nations peacekeeper (!) in Bosnia, which might explain the language of the above self-description of the company.

According to the contract, PNG, 'engulfed in a state of conflict with the illegal and unrecognised Bougainville Revolutionary Army (BRA), requires [...] external military expertise to support its Armed Forces in the *protection of its Sovereign territory* and to regain control over important *national assets, specifically the Panguna mine*' (ibid., italics added). For a payment of US$ 36 million, Sandline mercenaries were to use their skills and destructive arsenal on the Bougainvilleans. Among other military operations, such as training the PNG forces, gathering intelligence and follow-up, the mercenaries were to conduct offensive operations in Bougainville for a maximum initial period of three months or 'achievement of the primary objective, being the rendering of the BRA militarily ineffective, whichever is the earlier' (ibid.).

When the head of the PNG army, Jerry Singiok revealed the plans with which he strongly disagreed, it created uprisings and a major crisis in PNG. Prime Minister Julius Chan and others involved in the astonishing enterprise were forced to resign in March 1997, the contract was suspended and the mercenaries have been sent away.

The crisis seem to have reinforced strong local suspicion of the central government in PNG. Conflicts among different peoples and politico-religious movements have been brought to the fore, and some peoples outside the capital have expressed fear that the government might send troops against them if they resist logging or other projects with government complicity. The transnational company trading mercenary services is an example of another global force indigenous peoples have to consider, yet a new kind of 'partner' (see below). In the United Nations, IWGIA has consistently supported Bougainvilleans and sponsored interventions regarding the violations of human rights in their homeland.

Kānaka Maoli

Indigenous Hawaiian sovereignty was the major issue through 1996 and there was a substantial public discussion of the questions of indigenous rights and the status of Kānaka Maoli. The State of Hawai'i's initiative to create a constitutional convention to form a 'Native Hawaiian Government' was furthered by the actual 'Native Hawaiian vote' which took place in July-August 1996. The plebiscite on the question, 'Shall the Hawaiian people elect delegates to propose a Native Hawaiian Govern-

ment?' was organised by the State of Hawai'i's 'Hawaiian Sovereignty Elections Council', which thereafter dissolved, but was reborn as the 'private' organisation, Hā Hawai'i.

There are estimated to be 300,000 people of Kānaka Maoli descent worldwide. Nearly 85,000 mail-in ballots were sent out (some to non-Kānaka Maoli). Less than forty percent returned their ballots: 22,294 voted yes', 8,129 'no'. The people who did not vote or voted 'no' did so for a range of reasons. The majority did not ask for a ballot. Some did not want any kind of a 'Native Hawaiian Government,' and many were confused about the vote's purpose and implications. A substantial part of supporters of human rights and rights to self-determination boycotted the vote because they rejected the idea that it should be a state initiative, and because the vote did not live up to the international standards for a plebiscite to decide the future political status of a people in a peaceful decolonisation process. The Native Hawaiian vote may be misinterpreted as the will of the Kānaka Maoli people, and it is feared that it will result in the recognition of a government for native Hawaiians made up of representatives of state agencies and related corporations.

Later meetings among Kānaka Maoli leaders, activists and the HSEC/ Hā Hawai'i in December 1996 and February 1997 to build consensus around the constitutional convention for a Hawaiian nation have displayed confusion and substantial opposition to the process. A broad range of groups have participated in an initiative to create a peoples' process as opposed to the state process. But the state legislators are now preparing for a 'Hawaiian Constitutional Convention' to be organised by the Hā Hawai'i consisting of former Sovereignty Elections Council's members. On a mandate of only 7.4% of the Kanaka Maoli people, the state and its organisations are continuing the process. This probably has to do with the situation of land control in Hawai'i.

It looks like the state Office of Hawaiian Affairs (OHA, the Hawaiian 'Bureau of Indian Affairs') and Hā Hawai'i are becoming positioned to create a Native Hawaiian government, seemingly on a land base of the 200,000 acres already set aside as Hawaiian Home Land and on the island of Kaho'olawe, which served as a bombing target for the US military from 1941 to 1992 and in 1994 was returned to the Hawaiian people. In contrast to this, some Kanaka Maoli groups claim all of Ka Pae'āina, the Hawaiian archipelago, and are working for a re-inscription of Hawai'i on the United Nation's list of non-self-governing territories, from which it was removed after the statehood vote in 1959, which likewise did not follow international standards, as admitted by the US Congress in the

'Apology Law' of 1993. Other groups - and some of the above as a step on the way towards self-determination for Kānaka Maoli - are claiming all or parts of the so-called 'ceded lands'. These 1.4 million acres (more than one-third of the State of Hawai'i and 95% of the state lands) are the 'public lands', which the illegal 'Provisional Government' in 1898 'ceded' to the United States. When Hawai'i became a state in 1959, these lands were returned to the State of Hawai'i and are, according to the Admissions Act, to be held in trust for among other the Kānaka Maoli.

If the Kānaka Maoli were in fact to gain control over these lands, an indigenous lawyer has estimated that they would be the richest indigenous people in the world. On the ceded lands sit airports, the University of Hawai'i's main campus and many other important and profit-generating structures. According to legislation built on the Admissions Act, the Office of Hawaiian Affairs is entitled to 20 per cent of the proceeds from these lands. The state legislature is now trying to avoid paying the full amount, even though court rulings have confirmed OHA's claim. Even strong critics of OHA are opposing the proposed reductions.

Kānaka Maoli feel that they daily have to attend to attacks on their rights and threats aimed at destroying their environment. 1996-97 has seen increasing consciousness, resistance and counter-activity in order to prevent uncontrolled 'development' of the Islands. At the same time, the economic crisis hit the poorest groups the hardest: welfare cuts and a tuition raise at the University made life much more difficult for Kānaka Maoli families. There are examples of legislation proposed to better the situation for Kānaka Maoli which in fact disguised a reduction of indigenous rights. A federal housing bill tried to impose a division of Kānaka Maoli who can prove 'fifty percent Hawaiian blood' and others who cannot, at the same time as it - in a side remark - categorises Kānaka Maoli as 'Native Americans'. Even though this was a goal for Kānaka Maoli in the seventies, twenty years of indigenous struggle and cooperation with American Indians has taught them that this is not the way to improve the living conditions of the people or to obtain self-determination.

Globalisation, Environmental Racism and Regional Relief

> We cannot discuss environment without looking at economic (GATT, APEC, globalisation) which drives the agenda... We need to focus on new forms of colonialism' (quote from Nuclear Free and Independent Pacific's Conference in Suva, Fiji, December 1996, from Pacific News Bulletin, December 1996:12).

'Fourth World' peoples have been forced to relate to the state(s) within which they live - whether so-called First, Second or Third World countries. But through the nineties it has become increasingly clear that other real 'partners' (the term used by the United Nations about the nation-states in relation to indigenous peoples with respect to the International Decade for the World's Indigenous Peoples, 1994-2004) no longer necessarily are the colonial or post-colonial states within which indigenous peoples live or used to live. Structurally, completely different 'partners' have become important: international trade networks and partners to agreements (such as GATT, NAFTA and the European Lomé Convention, Trade and Assistance Treaty, etc.), multinational corporations, banks, interest groups, international organisations, other nation-states and even professional soldiers as mentioned above. They all have interests in indigenous land, resources and knowledge. So, while nation-states might be decolonising, colonisation of another kind intensifies. The global agenda is being set by trade agreements more than the international laws established by the United Nations' 'family of nations.'

In everyday language, this is now called 'globalisation'. Viktor Kasiepo from West Papua has identified globalisation in the following way:

> The global approach makes us believe that there is one big threat to our planet and one big answer for the future.
>
> But who is to define what is sustainable development and what is the answer to the challenges of the future? And how can we believe in a global sustainable development policy when the loss of our forests, the poisoning of our oceans, and the gap between the haves and the have nots are a consequence of global agendas and interests? The implementation of one global market and the deregulation principle have put a time-bomb to all governments, nations and peoples.
>
> Is sovereignty of a Nation-State a guarantee that they can control their national development for the benefit of their people, or are they going to be ruled by transnational corporations, stronger nation-states and intergovernmental institutions?
>
> [...] The total lack of respect for the owners of the natural resources [which the industrialised nations and transnational corporations exploit] is a colonial legacy. [...] It is this immoral and unethical behaviour that is reintroduced in the 20th century but in a different and more subtle manner, in the guise of the 'global market'" ('Globalisation of Human and Natural Resources', Pacific News Bulletin, February 1997:8-10).

According to discussions at recent regional meetings of Pacific indigenous peoples and NGOs, there is a high level of awareness regarding these new 'partners', who are seen both as a threat and as a challenge. NGOs focus their analyses and workshops on these matters. Groups of indigenous peoples also see the fact of their awareness, their holistic world view and their environmental knowledge as a responsibility to help guide the future of humankind. In this respect, they build on and contribute to a growing consciousness of a global alliance and identity with indigenous peoples worldwide.

The intellectual property rights debate is a significant example of these complex global relations. One example is the Hagahai cell line patent. As a major victory for indigenous and human rights, and for the global networking of NGOs and indigenous peoples, in October 1996 the US National Institute of Health relinquished all rights over the patent of the human cell line of a Hagahai indigenous person from PNG. But still, the patenting of human tissue is rapidly increasing.

The environmental challenges to the Pacific as a consequence of globalisation are enormous. There are serious threats and consequences of hazardous waste dumping, chemical burn-off (at Kalama (Johnston) Atoll), nuclear shipments, bio-piracy, nuclear testing, deforestation stemming from construction of infrastructure, mining, logging, building of dams and establishment of grazing areas and agroforestry, pressure on the environment from development of resorts, malls, golf-courses, etc., overexploitation of the ocean from fisheries and sea bed mining. Open sea bed mining is hard to control and the present plans seem to be in violation of the UN Law of the Sea. Also, the issue of climate change is important and related to logging. Kasiepo (quoted above) suggests an international 'Environmental Court of Justice' and that indigenous peoples employ the UN Commission on Sustainable Development to work for a truly sustainable development with focus on human beings.

Parallel with the global orientation, there is a growing number of regional agencies and governmental and non-governmental organisations organised within the Pacific region as a whole as well as within the so-called 'culture areas' of Melanesia, Micronesia and Polynesia (invented by social scientists and colonial administrators). The connections and identifications are established on all levels and in many different ways. Voyaging with large traditional canoes all over the Pacific has become an important focal point for Pacific identity and self-pride and the relatively affordable airfares and electronic communication networks have facilitated trans-Pacific activities. Thus, improving telecommunication sys-

tems is on the agenda everywhere in the islands today. Islanders are travelling back and forth in the Pacific, and they have family all over the region. Thousands of Pacific Islanders are actively practising a 'Pacific Islander' identity at the same time as they first and foremost identify with their home island - before their national identity.

Their daily practice belie the myth that the Pacific region consists of too small, too resource poor lands and too isolated nations which need to depend on larger nations. The Tongan professor, 'Epeli Hau'ofa, has expressed it like this:

> Oceania is humanity rising from the depths of brine and regions of fire, deeper still, Oceania is us. We are the sea, we are the ocean, we must wake up to this ancient truth and together use it to overturn all hegemonic views that aim ultimately to confine us again, physically and psychologically, in the tiny spaces, that we have resisted as our sole appointed places, and from which we have recently liberated ourselves. We must not allow anyone to belittle us again and take away our freedom ('Our Sea of Islands' pp. 148-61 in Contemporary Pacific, Spring 1994:160).

By upgrading regional cooperation and alliances, the Pacific Islanders and their leaders are trying to get away from the belittlement syndrome mentioned above. On the other hand, the syndrome is of course supported by the various agencies who covet indigenous resources, and many of the local policies are still heavily influenced by the 'colonial mentality'. But Pacific Islanders know this and are decolonising their minds through research, education and practice. Many no longer believe that they cannot make it without foreign financial aid, which is often made dependent on compliance with far-reaching requirements regarding how to govern their nations and use their resources. Non-western ways of conducting business are strongly condemned by some donors as not being democratic, or, worse, as corruption.

Economy, Resources and Development

Some of the Pacific peoples are in deep financial crises, which their leaders try to alleviate with a range of activities, often within a decidedly western economic framework of ideas: investment, land registration, development of tourism, large-scale fisheries, ship registry (the Marshall Islands now have the 12th largest worldwide tonnage registered), duty free shopping, tax haven/casino gambling, etc. They take up loans and invite foreign investment. Japan, Korea, Taiwan and China are investing heavily in the Micronesian countries, for instance. Taiwan seems to court

the new independent states in order to secure support for themselves regarding application for reentry of the Republic of China into the United Nations.

While there are serious regional problems with illegal immigration, some of the Pacific Island nations sell passports to overseas investors. Kiribati, for example, sells two-year passports for US$ 10,000 each. The freely associated states of Cook Islands and the Marshall Islands are both into this concept but are met with disapproval from their present associating states, New Zealand and the United States. Some development schemes are so big, in relation to the islands they are planned for, that they will alter completely the social and political structure found there. This is happening in Belau, where six hundred not yet built houses have been sold to Taiwanese. If the houses are actually built and populated by Taiwanese, this will completely change the population composition of the Republic of 16,000 Belauans.

One reason for the financial difficulties is that the price on the world market of copra and other locally grown or extorted cash crops including the products of mining and logging has nothing to do with the actual local production costs. It is entirely dependent on the world market.

Cheap labour is available in some of the Pacific nations or are imported from other countries such as the Philippines. Filipinos now comprise the largest ethnic group in Saipan in the Northern Marianas, the present location of many garment factories. Twelve thousand workers are reported to earn as little as US$ 2.90 per hour, working 65-80 hours a week, after paying US$ 4,000 (or three months salary) just to get the job. They produce famous and expensive brands such as Sako, Gap, LA Gear and Levi Strauss. Strong reactions against this exploitation in Manila and Washington have not yet bettered the situation for the workers.

Local economies are unfortunately dependent on money coming in from the outside, whether remittances, aid, compensation for World War II destruction, nuclear tests destruction, immigration or land use, or, to a much lesser degree, income from trade. Whether independent nations or the worst off ethnic group in their own land, indigenous peoples in the Pacific rely on various forms of so-called 'aid', even though much of the financial support they receive labelled as aid rightfully should be categorised as compensation for use of land and resources or compensation for destruction and exploitation of humans and the environment. The compacts of free association between the United States and the Marshall Islands, Federated States of Micronesia and Belau, respectively, exemplify this point. The compacts contain obligations for the first-mentioned

to pay a certain amount to the Pacific nations for a particular period of time. The time is now beginning to run out for the payments and their is much talk about the insecure post-compact economy. Another example is the migration among those American island nations. Both the Northern Marianas and Guam have tried to convince the United States Government that they need compensation for the flood of immigrants who have entered their countries from the freely associated states since 1986. Guam, which last year actually succeeded in securing 'Compact Impact Aid', has received eight thousand immigrants from the freely associated states in this period.

The Asian Development Bank (ADB) is an important factor in Pacific economy, and so is of course the World Bank. They closely monitor the borrowing governments' political and economic development plans and activities. In the Marshall Islands, for instance, the ADB has insisted upon privatisation, huge reductions in government expenses, construction of resort-hotel-golf course complexes and general development of tourism.

From regional experience it is, however, clear that this does not create substantial income or jobs for the local population. This kind of development usually benefits foreign investors while indigenous peoples lose access to beaches and end up with serious problems of pollution and water shortage. Therefore, they protest development plans which their governments often support.

Leasing of prime public lands for a planned construction of a first class mall in the Northern Marianas has been halted by civil action. The Northern Marianas now has more than 600,000 visitors per year, or thirty tourists per indigenous person - almost the same ratio as for the Kānaka Maoli of Hawai'i. There are other similarities as well. The well-known Hawaiian based Outrigger hotel chain and First Hawaiian Bank are very active in the Pacific. Japanese shoppers will be shopping in malls in Guam as well as Honolulu to buy their European and North American prestige brands like Gucci and Georg Jensen.

On the island of O'ahu in Hawai'i, the controversial H-3 freeway is about to open. The construction of H-3 has been strongly protested by Kānaka Maoli, because it has destroyed valleys and sacred sites. The freeway was cursed by an indigenous religious practitioner and following deaths and other serious accidents, the authorities found it necessary to have the freeway blessed in a second Christian ceremony in 1996, before the work could continue.

The continued closing of sugar plantations and attempts to 'develop' primary agricultural lands and pastoral lands have created much contro-

versy as have attempts to develop beach areas. On Moloka'i and on O'ahu this has created major controversies focusing on the issue of securing water and transferring it from the windward valleys to the dry leeward areas.

Pacific Islanders are not against development. In fact, many want some kind of development from which they can benefit and pursue a 'modern lifestyle' - they want to use their resources. But development in the western sense of the word has reinforced the gap between rich and poor. The economic and social integration, neo-colonialism, the creation of aid dependency, and growing militarism have led to conflicts over development, unrest, social change and contradictions, increased poverty and dependency on outside aid and on foreign produced food with a detrimental effect on the health of the Pacific Islanders. Development projects are therefore frequently protested by the inhabitants of the proposed area, but even foreign owned enterprises are often supported by local governments. There seems to be an alliance between (private) developers and government agencies.

Militarism and Nuclear Waste

The nuclear issues are generally a major concern for the Pacific Islanders. The French nuclear testing created a flood of protest from indigenous peoples as well as from island governments. Presently, the focus is on transportation and disposal of nuclear waste. Several sites including Wake and Palmyra (administered by the US Department of Interior) have been suggested as potential storage sites. Other toxic and household waste trade involves Tonga, Vanuatu, Solomon Islands, Yap and other nations. In the Marshall Islands there is much talk about creating more lands by filling up lagoons with household waste.

For the next decade two to three shipments of radioactive waste through the Pacific are planned. The British ship 'Pacific Teal' is currently shipping highly radioactive waste from France to Japan through the Pacific. The load is said to equal 'ten Chernobyls' (Pacific News Bulletin, January 1997 p.3). The shipment has been condemned and protested by Pacific Islanders, but it takes place in spite of the South Pacific Nuclear Free Zone Treaty, signed by France, the United States and Great Britain in March 1996. France had Gaston Flosse, the president of French Polynesia, sign the treaty - perhaps trying to sneak an acceptance of French Polynesia as a full member of the family of the Pacific Island nations in through the backdoor.

Since France lost Algeria in the 1950s, more than 180 nuclear tests have been carried out on Fangataufa and Moruroa in the French overseas

territory of 'French Polynesia'. Now the testing is stopped, but the pollution and destruction remain, and the dumping of nuclear waste continues.

After closing the test centre, France promised to pay Tahiti Fr 990 million for the next ten years, and Gaston Flosse pressed for greater internal autonomy from France (and acceptance among the Pacific states on the other end). In 1996 Paris chose to reject requests from the territorial legislature regarding elevation of Tahitian to official language, complete control over immigration and regulations of land and property transactions. On the other hand, the presidential powers were substantially increased.

For many Pacific peoples the struggle for a nuclear free Pacific is the same as the struggle for independence. This policy is actively implemented by the regional Nuclear Free and Independent movement and the Tahitian *Hiti Tau*. Hiti Tau (Time to Act) is a non-governmental organisation working internationally orientated to support rights to a permanently denuclearised environment. The organisation represents 20,000 members and works with 400 local leaders throughout the islands. It has staged land occupations and prioritised development of alternative economic solutions over the French nuclear money.

Hiti Tau has initiated a large-scale health survey in cooperation with L'Église Evangélique in Te Ao Maohi, the World Council of Churches in Geneva, the Centre de Documentation et de Recherche sur la Paix et les Conflicts in Lyon, France, the European Centre for Pacific issues in Zeist and the University of Wageningen, both in the Netherlands. This is the first study of this kind, because France has kept all medical records secret. The projects seeks to obtain data on the environmental and health situation of the Polynesians who worked at the test-sites and the inhabitants of the islands around the site and to contribute to a public discussion on the medical, social and environmental consequences of the nuclear tests for people living in Te Ao Maohi. The leader of Hiti Tau, Gabriel Tetiarahi, expects the result to be an important tool to gain international support for the movement for self-determination in Te Ao Maohi which is engulfed in the present 'nuclear colonialism'.

In January, 1997, the Tahitian NGO Hiti Tau sponsored the Abolition 2000 Global Nuclear Disarmament Conference in Moorea and Tahiti in Te Ao Maohi. Abolition 2000 is an e-mail connected network of more than 600 organisations from all over the world calling for a convention in the year 2000 to abolish all nuclear weapons. The Abolition 2000 Conference made the connection between colonialism and nuclear testing/

dumping very clear and it supported the Maohi peoples' struggle for self-determination and independence, as documented in the Tarahoi Statement. The Tarahoi Statement called for creation of an international tribunal consisting of three circles: indigenous peoples, the global community and Nobel Peace Prize recipients. The tribunal should sit in judgment over the 'genocidal nuclear policies of France'. President Flosse later criticised the Abolition 2000 for interfering in the internal affairs of the territory...

Other Pacific peoples also have personal experience with nuclear policies and testing, transportation, storage and waste disposal. The two representatives from BELAU who wanted to participate in the Abolition 2000 were first denied entry into French Polynesia and could only participate in the last few days to tell their story.

The former UN Trust Territory of Belau, administered by the United States, approved the world's first nuclear free constitution in 1979. But after years of struggle, intimidation, repeated votes, in 1994 Belau entered into a 'Compact of Free Association' with the United States. The compact granted Belau independence, but also took away fundamental sovereign rights. Belau continues to be a military colony of the United States, because the United States has veto over foreign affairs and the compact limits the EEZ around Belau to 12 miles. For the price of US$ 450 million over fifty years, the US is reserving the lands of Belau for future use. They can take any land with sixty days notice for military purposes and have no obligations to restore the land to its original state. This agreement cannot be terminated by Belau alone. Termination requires a mutual agreement. People in Belau now feel the pressures of 'modern development', they feel swamped, they are unemployed and the US Federal programmes have been cut.

While on 25 July, 1996, there was a sad commemoration of the first nuclear test at Bikini fifty years ago in the Marshall Islands, the missile testing programme at Kwajalein is expanding. This has been met with protest in the Republic of the Marshall Islands as well as at some of the prospected Star Wars launching sites in Hawai'i. Under an agreement separate from the Compact of Free Association, covering the period 1986-2001, the United States can use Kwajalein as a missile base for thirty years. Even after thirty years, the agreement can only be terminated by mutual agreement. Kwajalein now has California time - one day behind its neighbour islands - and probably the most sophisticated technology in the world. The military housing has spread to Marjuro, an hours flight away.

Meanwhile, the federal government threatened to cut off the food aid to the people of Rongelap and Bikini. This would block the resettlement of the islands, because local grown food is too radioactive to eat. At the same time, seven additional cancer types were added to the list of conditions eligible for compensation (Pacific news Bulletin, Spring 1997:215).

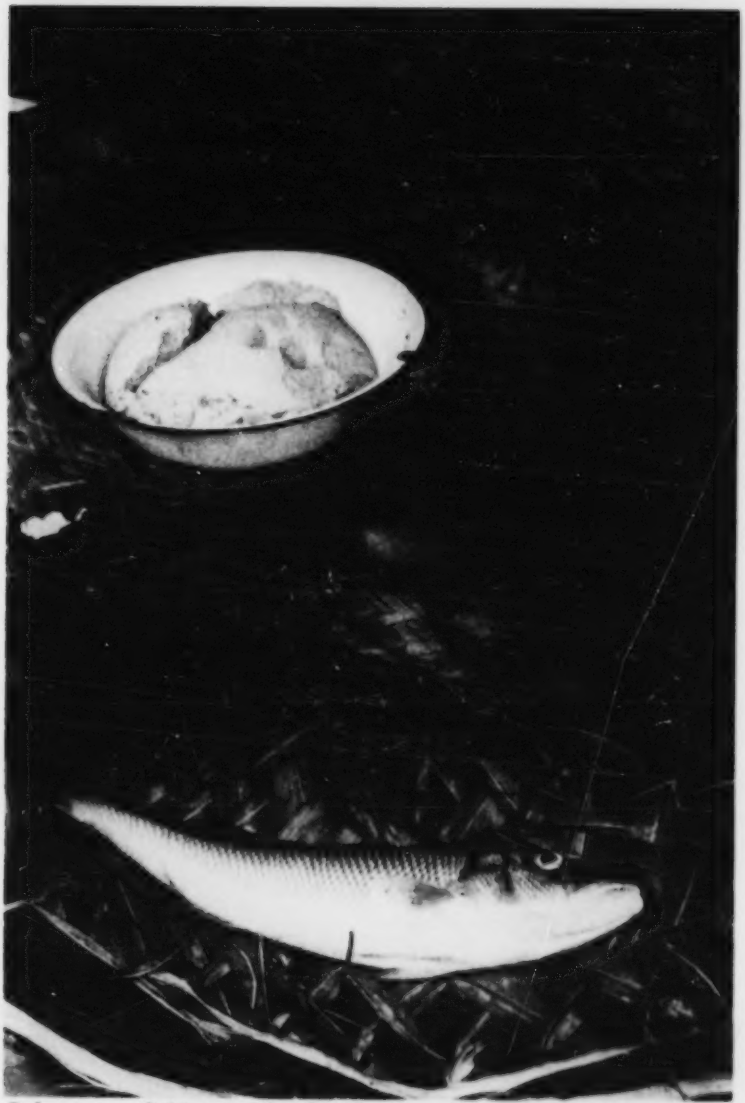
The irony of the situation is complex. Even the tragic environmental consequences can make business. As part of what looks like a new trend of 'terror tourism', one entrepreneur is planning to promote scuba diving expeditions to the Bikini Lagoon! Furthermore, the desperate economic circumstances of the Marshall Islands has moved the government to repeatedly advance the controversial idea of selling nuclear waste storage space on the already contaminated islands in spite of strong popular protests. Also, the government refuses to sign the South Pacific Nuclear Free Zone Treaty. They claim that the treaty would force them to live with nuclear waste forever, because the treaty prohibits transportation of nuclear materials.

Capitalising on the Resources of the Pacific Islands: Fish, Minerals, Forests and Beauty

Construction, coral mining, sewage and overgrazing causing erosion and run-off are other major causes for destruction of the living environment in the ocean and thereby the living conditions for the near-shore fish. This makes a living based on subsistence fishing or small-scale commercial fishing very difficult. The local understanding of the ecological processes could, perhaps, give hope for better management - even though it will be in a continued opposition to the dull 'modern' development scheme building on tourism and military development. Locally, this hope is sustained by widespread support of the present regional initiative to protect the coral reefs.

Often encouraged by aid donors, deep sea fishing ventures are promoted and sold off, leased away for years to come or undertaken in joint ventures with foreign companies. But it creates few jobs for Pacific Islanders, and their resources are exported.

Large-scale deep-sea fishing is also promoted by the Forum Fishing Agency of the South Pacific Forum, which is generally regarded as a progressive model for regional cooperation on fishery management. The agency is renowned for having fought driftnet fishing, and in 1991 they successfully supported introduction of the UN resolution banning it. Driftnet fishing is one of the most destructive methods of marine exploitation practice, and if continued for a few years it would have created a complete collapse in fishery.



Subsistence fishing in the Pacific experiences increasing pressure from environmental degradation and large-scale commercial fishing (Tuvalu, South Pacific). (Photo: Palle Kjærulff-Schmidt)

The ocean is now threatened by sea bed mining plans and in spite of the initiatives of the Agency, it seems close to being over-fished. Sustainable ocean management is definitely needed to secure the 'global commons' of the oceans for future generations.

It is becoming increasingly clear that mining is antithetical not only to sustainable development of the land and natural resources but also to political self-determination. The importance of control over nickel for Kanaky is mentioned above. Bougainville (treated in detail above) is also an appalling example. Others are the Ok Tedi mine in Papua New Guinea, the Freeport mine in West Papua and the gold mines in New Ireland (PNG province), Fiji and the Solomons. All these mines have had the effect of changing the social and physical conditions for the peoples, whose areas they have mined. New Zealand Steel in Waikato Heads has desecrated sacred burial grounds in order to mine iron-sand (the company is a foreign company, it is part of BHP from Australia, the same company which is involved in the Ok Tedi mining).

Four-fifths of the surface of Nauru and much of its subsoil is ravaged by phosphate extraction by Australia, Great Britain and New Zealand. After independence in 1986, the phosphate industry was sold to Nauruans, but the former colonial powers retained the million dollar assets. Nauru has taken Australia to the International Court of Justice in Hague claiming damages, but no amount of money can recreate the island.

Logging in the Pacific is typically unsustainable and uncontrolled resulting in immense ecological damage - notwithstanding government regulations to the opposite effect. The demand for regulations also springs out of the local experience with foreign timber industry. Such regulation, though encouraged by development banks and other donors, is hard to obtain funding for. Many Pacific governments have environmental departments or divisions but serious difficulties implementing their ecologically sound policies. The same seems to be the case for the South Pacific Regional Environmental Programme (SPREP) which includes all Pacific states and territories. It is sponsored by the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, which has been in force from 1990 and is signed by France (!) and nine other parties.

Some companies are dominating and intrusive in the local community. There are several examples of boom-and-bust companies who, as part of the agreements with local land use owners promised schools and infrastructure but left only destruction. The world market price of the wood does not come near to covering the local use value and cultural and biological significance of the forests. The major consumer of Pacific

wood is Japan, but Korea is also of growing importance as a customer. Companies from Japan, Korea, Singapore, China and especially Malaysia are working in Melanesia.

Local resource owners are typically in favour of some kind of logging - because that is one way they can live off their resources - but frequently they find that the foreign companies, which are clear-cutting their forests and polluting the rivers, are the ones that reap the profits and they express disappointment with their governments. Their own gains dwindle, their sacred sites are desecrated, their lands are destroyed, labour is imported and they themselves are displaced and may end up as unskilled urban labourers. Reforestation often equals a commercial monocrop kind of agroforestry such as oil palm plantations. The original ecosystems are virtually impossible to restore.

The situation is further complicated where land rights are customary. In Papua New Guinea, Vanuatu and the Solomon Islands, for example, customary land tenure is highly valued and complex; more than ninety percent of the land is not private property in the western sense of the word.

Kathleen Barlow and Steven Winduo formulate the point clearly in their introduction to the latest issue of Contemporary Pacific, a special issue on logging in Melanesia: 'The colonial legacy of political and legal systems that alienate land and co-opt its resources for uses determined elsewhere is perpetuated through neocolonial imbalances [...] and by rhetoric about forests as uninhabited places available for exploitation' (Spring 1997:9). The patterns of profit and the economic, social and environmental damage by the logging is becoming increasingly transparent and local resource owners and organisations are protesting the exploitation. Initiatives to register land - strongly encouraged by for instance the World Bank - are continuously rejected by indigenous peoples. The Solomon Islands Development Trust and local NGOs in the Melanesian nations are getting organised and empowered through international networking and are now playing an active role in the efforts to promote sustainable development.

Other global players have an interest in the Pacific rainforests as well. Conservationists urge the protection of the forests of the Pacific Islands, which accommodate a tremendous wealth of endemic species and levels of biodiversity. Natural scientists consider forests of major importance for global hydrological processes, greenhouse gas exchanges and thereby for global warming and the sea level. But the interest groups and international organisations concerned with protection of ecosystems and bio-

diversity on a global level often clash with the indigenous peoples living in and off the forests and their practices of conservation. Conservation for its own sake is not a persuasive argument for people living with and off the forests. They often favour what is called a 'wise use' strategy instead of the 'no use' goal of conservationists. Good, small-scale, sustainable projects are needed as an alternative. Where a 'no use' policy is considered necessary, it should be a global concern to reimburse the local population in order to fund the continued existence of the tropical forests. This is neither aid nor bribery but a global sharing of the costs of global concerns.

Control over Land

Major proportions of the limited land base in the Pacific Island nations are under foreign control and much is inaccessible to the indigenous peoples, especially in the First World countries.

In Guam, the United States Government controls over 30 percent of the land area, much of which is unused. Efforts are being made to have some of the 'excess land' returned to the Government of Guam and not transferred to other federal agencies such as for instance the Fish and Wildlife Service for conservation purposes. In spite of efforts on behalf of many persons and organisations, the *Pai 'Ohana* (extended family) whose lands are located within the National Park of Honokahau at Hawai'i Island were also evicted. The park was from the beginning supposed to be a cultural park, but the Pai 'Ohana who have taken care of the lands through centuries were not wanted on the land by the federal authorities. Other evictions of Kānaka Maoli have taken place. In June, 1996, Kānaka Maoli families were evicted from Mākua Beach on O'ahu, where poor and homeless and others seeking different or more traditional ways of living, more secure surroundings for their children to grow up in as opposed to the suburban ghettoes of violence, drugs and gangs, have been taking up occupation for many years. Eviction notices were given and postponed several times. The final notice in an ironic twist took care to postpone the eviction until the children were out of school for their summer vacation.

In 1996 the indigenous people of Guam finally managed to force an implementation of the Chamorro Land Trust Act of 1975. It took a court suit and more than two months of continued protests during which the Chamoru Nation set up a camp on the governor's parade ground. They were served eviction notice but refused to leave. They were chanting and blowing conch-shells during legislative session. Two bills were eventu-

ally passed, establishing rules and regulations for land applications and transfer of 4,336 lots from the abolished 'Land for the Landless Programme' to the 'Chamorro Land Trust.' The Land Trust Commission is now accepting applications for land lots at one US dollar per year leased for 99 years with preference to landless Chamoru. This Commission seems to be built on the model of the Hawaiian Homes Commission Act of 1920, the implementation of which has been severely criticised by indigenous Hawaiians and civil rights groups.

Maori have continued to occupy land taken from them by breach of the Waitangi Treaty in order to ensure their rights. The land mass covered by the treaty has been reduced to about five per cent of the original 66 million acres.

Even though one-third of the land of Aotearoa is conservation land, and almost all of that is claimed by Maori, the Department of Conservation refuses to let Maori participate in the administration of the lands. Customary access and gathering is also denied them. According to Margaret Mutu (Contemporary Pacific, Spring 1997:235), this is because the Department of Conservation is dictated by a very strong environmental lobby of the 'no use' kind.

While the Government New Zealand declares its sovereignty 'indivisible', the Waitangi Tribunal in 1996 issued the Taranaki Report, listing 'numerous horrendous violations of the legal moral and human rights of Taranaki Maori by successive New Zealand governments right up to the present' (op.cit.:236). By removing resources and the economic base from the Maori, the government has been destroying Maori autonomy. The Tribunal found these actions illegal and a breach of indigenous peoples' international rights to a constitutional status as First Peoples.

In a strategy to gain control over their own lives, they seek to ensure that the guaranty for their *tino rangatiratanga*, sovereignty, is upheld.

In Hawai'i the state legislature is trying to conform to the demands of the big landowners and others alarmed by the Supreme Court ruling from 1995 confirming traditional Kanaka Maoli access and gathering rights as they are clearly stated in the Constitution and Revised Laws of Hawai'i. The Ruling affirmed the obligations of the state and county governments to protect and preserve the native Hawaiian rights to access undeveloped private lands for cultural and traditional purposes. A law office has been established in Honolulu to counteract the law and a state bill was introduced to 'clarify' the access rights, in effect requiring all Kānaka Maoli to register and prove their genealogy before they can access areas where their families have gathered for centuries. A 24-hour vigil at the State

Capitol in Honolulu with strong support of Kānaka Maoli *hula* practitioners who drummed, chanted and danced their message through to the legislators influenced the lawmakers to kill the bill, a copy of which was subsequently dramatically torn apart in front of crowd. The protest was the largest in many years and involved many Kānaka Maoli who are not usually politically active. Following this, the state's largest landowners have formed a coalition to 'resolve' the issue of Kānaka Maoli access. They claim that the missing rights to exclude Kānaka Maoli from access to the land threatens to damage the state's economy and has already stalled several development projects and 'soured' the business of land sale. Without the right to exclude Kanaka Maoli's access to privately owned lands, there is a 'cloud' on the title to land, as Western law would have it. Another bill has since followed the first. This issue is not over yet.

Even the independent nations of the Pacific which have implemented laws to prevent alienation of lands, lose control over land. Sixty-year leases in the Cook Islands, with payment at the beginning for all sixty years, is virtually the same as giving away the land for two generations. A lease of primary agricultural land, upon which a mall is built, or lease of a beach area, where a hotel resort is built, is also, in effect, lost land. No wonder renewal of leases is a controversial topic. In Fiji, five thousand leases are up for renewal during the next eight years.

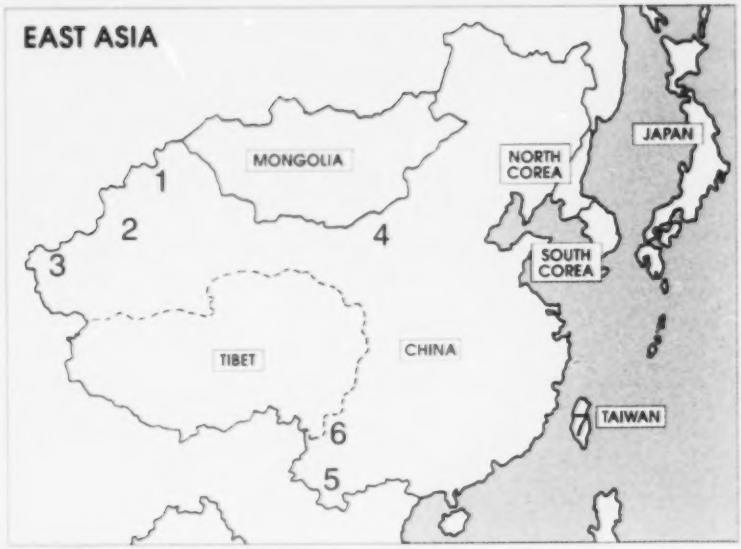
Self-determination

In the Pacific, nuclear testing and storage has created major environmental problems and concerns as has much development. Lands have been taken or destroyed, ocean rights sold off, oceans have been emptied and the peoples are jobless and aimless, dependent on aid. This is a bleak picture, which is part of the explanation for the growth of social problems and violence in indigenous communities, a well-known phenomenon in the Pacific and worldwide.

The concentration in urban areas is growing, leaving the outer islands with too few people to grow enough food to sustain their population, the reason why more and more are forced to depend increasingly on imported foods. Drugs, violent crimes and gang fights are on the rise all over the Pacific. In the Northern Marianas murders are becoming more frequent, and Guam has been forced to declare war on 'ice' (Crystal methamphetamine). A change of the economic and political conditions is necessary. Greater self-sufficiency and self-reliance - though self-determination and enforced regional networking - seem to promise some relief for this devastating situation. The visions and optimism expressed by Hau'ofa above

and the efforts of local communities and nations to create environmentally sound development and stop the exploitation and destruction are badly needed.

Sources:
Newspapers and journals (including the political reviews of The Contemporary Pacific and Pacific News Bulletin), Internet communication and web pages, articles and discussion papers, personal communication.



1. Kazakh

2. Uygur

3. Kyrgyz

4. Mongol

5. Dai

6. Naxi

7. Tao (Yami), Rukai

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EAST ASIA

CHINA

1996 was a year of increasing ethnic unrest in China. Already at the beginning of the year the party leadership used strong words against alleged anti-Chinese conspiracies that aimed at sowing ethnic discord and splitting the motherland. This was followed up by regional leaders, including the party secretary of Inner Mongolia, the Han Chinese Liu Mingzu, who lashed out against hostile Western forces who make use of the ethnic situation in China for the purposes of infiltration, sabotage and subversive activity (Neimenggu ribao, 3 June 1996).

As there are several ethnic exile groups which pursue a more activist line of activity, some of the more carefully targeted actions may certainly have been initiated or at least inspired by circles in exile. However, the standard official mantra sees all types of foreign criticism as conspiracies and appears unable to see the unrest and discontent as a result of their own policies. This has given rise to a more repressive stand from the side of the regime as well as more populist currents among the Han Chinese. This we will return to below.

The official description of the conditions in the minority regions is still predominantly one of 'A Big Family of Unity and Progress', a title which is meant to characterise the conditions in Xinjiang (Beijing Review, 15 January 1996). The minority regions are being steadily more integrated in both the national as well as the international economic system. This could be seen from a brief survey of the developments of the cities of Ürümqi (Xinjiang), Hohhot (Inner Mongolia), Lhasa (Tibet) and Yanji (Jilin province, Koreans) (Beijing Review, 23 September 1996). Another notable feature of development in the minority regions is that the educational system is rapidly deteriorating, thus leaving young people of minority origin even more behind. This was highlighted in a report by one of the vice-presidents of the National People's Congress, Buhe, who himself is a Mongol (Guangming ribao, 3 November 1997).

An interesting trend of increasing self-awareness is taking place among many of the nationalities. While elements of traditional culture earlier have been applied to 'folklorise' the various nationalities by the Han Chinese, traditional cultural elements of their own choice are now being promoted as signs of identity, like the traditional Tomba folk religion of the *Naxis* in Southwest China. Among nationalities who live in cross-border cultural continuums, the 'advanced' example of their remote cousins across the border are being used as evidence of the great potential of their own cultural reservoir. Examples of that are the *Koreans* in the province of Jilin in the Northeast, who make use of the example of South Korea to show the potential superiority of the Koreans over the Han Chinese, and the *Dais* in Sipsong banna in Yunnan, who point out that their own Therevada Buddhism is quite compatible with developing a modern society, like the example of Thailand amply illustrates.

Xinjiang

The ethnic antagonisms in Xinjiang are steadily escalating. The situation has by some observers been characterised as having reached the stage of a low-intensity guerrilla conflict. Undoubtedly, faced with the total numeric and technological superiority of the Chinese armed forces, ethnic resistance will not be able to develop beyond a low-intensity guerrilla conflict. It is, however, doubtful that the present situation seeks to surpass its current characterisation, because many of the protests and grievances are not motivated by a drive for independence from China, but rather from issues like protests against increased Han Chinese immigration, limits on childbearing, environmental degradation, religious freedom and lack of real autonomy.

Nevertheless, the *Xinjiang ribao* reported that during the period from February to June, 1996, alone there were five serious incidents, 2,773 terrorist suspects were rounded up and 6,000 pound of explosives and 31,000 rounds of ammunition were confiscated. The most serious incidents were targeted bombings and political assassinations.

Two *Uighur* men blew up a military jeep with a home-made bomb in the Xinjiang capital of Ürümqi in February 1996. A 28-year-old self-taught expert on the Koran was indicted, sentenced to death by the Xinjiang higher court and executed on 28 April, 1997.

His accomplice was sentenced to a suspended death sentence, a sentence usually commuted to a life sentence. An Uighur exile group in Kazakhstan further reported that a bomb was planted on 10 March in one of the buildings at an arms factory halfway between Ürümqi and Kashgar.

Another type of spectacular resistance took place in 1996, namely the premeditated murder of prominent Uighurs who were branded as collaborators. The most well-known of such acts was the assassination of Akenmu Sidike, who was a vice-chairman of the Xinjiang People's Political Consultative Conference. On 2 March, the Mullah of Kashgar's Idagh mosque was stabbed to death together with his son, and in September six Uighur government officials were reportedly murdered in Yecheng.

The Chinese authorities in Xinjiang reacted in several ways. Firstly, they turned the ongoing national 'Strike Hard' campaign, which was intended to be directed against corruption, into a campaign against the 'separatists'. Secondly, besides curbing the building of new mosques, they closed a number of mosques that were said to be unauthorised. Finally, a new dramatic directive early in the summer of 1996 prescribed that all Party secretaries down to the village level should be of Han nationality.

As most readers of this report will probably be aware of, the unrest in Xinjiang has escalated further in 1997. The Chinese are therefore facing a situation which is becoming more and more complex to handle. The opening up of Xinjiang to the world has certainly resulted in a marked economic development and modernisation, but this has benefited the Chinese more than the indigenous inhabitants, thus creating new animosities. This has already had a negative impact on tourism but, so far, not on foreign business investment. In March, 1996, for example, the Canadian multinational (Northern Telecom) won a contract to establish the first Global System for Mobile Communications (GSM) digital cellular network in Xinjiang. The network was launched in Ürümqi already in July 1996, and the aim is to extend the network to cover the entire region with 200,000 subscribers by the year 2000.

The regimes in the new Central Asian Republics, notably Kazakhstan and Kryrgyzstan, have so far made common cause with the Chinese Government in curbing the calls for Uighur independence, even if associational activity like the Inter-Republic Uighur Association in Almaty, Kazakhstan, has been allowed to function. These

regimes have also been careful not to instigate ethnic unrest among the *Kazakhs* and *Kyrgyz* in Xinjiang. The most numerous and most vocal Uighur exile community is found in Turkey, which has a tradition in this respect predating the founding of the People's Republic of China. The last surviving among the leaders of the former East Turkestan Republic (1944-1949), Isa Yusuf Alptekin, died at his home in Istanbul, on 17 December, 1995, at the age of 94. Earlier that year, a new park in the Sultanahmet (Blue Mosque) district in Istanbul was named after Alpetkin, and a memorial erected. The Chinese Embassy in Ankara has put pressure on the Turkish Foreign Ministry to remove both the name and the memorial, but to no avail.

For those interested in further information about the history, culture and traditions of Xinjiang, we can recommend the following book: Thomas Hoppe 1995. *Die etnischen Gruppen Xinjiangs*. Hamburg: Institut für Asienkunde.

Inner Mongolia

1996 saw a serious outburst of crackdowns on *Mongolian* dissidents. It started with the arrest of the Mongolian Hada, aged 41, on 10 December, 1995. Hada, who was running a Mongolian bookstore in Hohhot, the capital of the Inner Mongolian Autonomous region, was the head of the newly organised Southern Mongolia Democracy Alliance. In the following days, more people were detained, among others Heilong, aged 32 and deputy chairman of the alliance, and Baoqingshan, aged 32, a physicist and secretary of the alliance. This prompted spontaneous demonstrations by students in Hohhot on 16 December and again on 30 December, resulting in further arrests, among them Hada's wife Xinna. At least thirty people were said to have been arrested by early 1996. Towards the end of the year, Hada was tried and sentenced to 15 years in prison for alleged separatist and espionage activities. Another dissident, Tegexi, was given ten years in prison. Inner Mongolian dissidents describe their regions as Southern Mongolia rather than Inner Mongolia, because the last-mentioned appellation views the region from China, while the first-mentioned views the region from Mongolia itself. Ironically, a book which was published in Beijing in 1996 would give the dissidents good reasons for historical animosity against the Chinese. Written by the Mongol Tumen, and entitled *Kang Sheng and the False Case of 'The New Inner Mongolian Peoples's Revolutionary*

Party', the book revealed the atrocities by the Chinese in Inner Mongolia during the Cultural Revolution. The book was published by the Central Party School and was intended to reveal the machinations of former Minister of Security Kang Sheng, but the revelations about widespread torture were seemingly so grotesque that the book was soon withdrawn.

Chinese Nationalism on the Rise

During the Deng era, the Chinese Communist Party gradually shifted their ideological legitimisation from socialism to nationalism. Even if such a shift is a clear expression of a crisis of ideology, there are several reasons why such a shift may become beneficial to the Communist party, which more and more speaks the language of a 'Nationalist' party.

In the first place, the revolution led by the Communists in 1949 was not just a political revolution, but was just as much generally perceived as a national liberation which ended the so-called 'Hundred years of humiliation' when China was dominated by the colonial powers.

In the second place, the Chinese have been characterised as historically having had a cultural primary identity rather than an ethnic primary identity. The assumption here is that any person, no matter which ethnic origin, may become a full-fledged member of the Chinese society if the person adhered to the Confucian cultural norms. On the other hand, the Chinese also have a very strong tradition of a sense of cultural superiority, which, when subjected to closer scrutiny, is more based on ethnic identity than on cultural preferences.

During the Maoist period, China was more dominated by what one may call statist or official nationalism, and ethnic nationalism was kept low. However, during the Deng years, ethnic nationalism has become more and more evident, and has more and more been encouraged by the Communist Party. The clearest evidence for this change is found in the renewed emphasis on the concept of *Zhonghua minzu*, which means 'The Chinese people'. This is a term which was coined in the early days of Chinese nationalism around the turn of the century. The problem is that the term is highly ambiguous. In its original and strict sense, it meant the Han Chinese, but in its later and dominant use, it means all the people who happen to live in China, thus including also the indigenous peoples (The term has all

along been the dominant appellation in political circles in Taiwan.). Today, it is used very much in the same sense as the term 'The Soviet people' was used in its days. No wonder that this has created a jittery feeling of resentment among the minority peoples, who see this as a clear ideological shift which could further undermine the already limited autonomous rights of these peoples.

TAIWAN

The struggle of the Taiwanese aboriginal movement during the past years was a journey on a rugged mountain path. Taiwan's aboriginal movement's workers suffered from political prosecutions made possible by the 'The Law of Gathering Paradigm' in the Nationalist (KMT) regime's judicature throughout 1995-96.

Two aboriginal leaders were imprisoned by the KMT regime in 1995 and 1996:

Rev. Mayaw Kumu, imprisoned on 19 May 1995, released on parole before Christmas day in 1995, and Mr. I-Ciang (Liu, Wen-Shiong), one of the leaders of the Alliance of Taiwan Aborigines (ATA), who was imprisoned on 7 November 1995 and released on parole in July, 1996.

In spite of financial problems, ATA was able to maintain an active service for indigenous peoples in Taiwan throughout 1996. In response to the unyielding struggle of Taiwan's indigenous peoples, in 1996 the KMT government created several aboriginal committees on various administrative levels 1996:

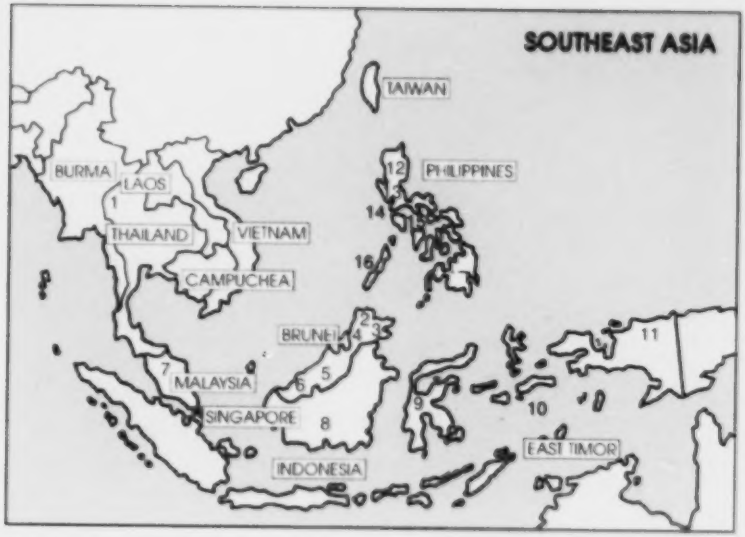
1. The Taipei Municipal Government Aboriginal Committee. It was founded by the Taipei municipal government on 16 March 1996. This is the first time that the name of aborigines' committee was recognised by the Taiwanese government since the beginning of the aboriginal movement.
2. The Central Aboriginal Committee in Taiwan, founded in December, 1996.
3. Taiwan Provincial Aboriginal Committee founded in 1996.
4. Kau-Shiong Municipal Aboriginal Committee founded in 1996.

Most pressing issues and problems

The land of the aboriginal peoples of Hua-Lien faces severe environmental pollution from a cement factory. The aboriginal peoples

and environmental protection groups have attempted to have the operations of the factory stopped but have lost the case.
The government of Pintong Province plans to construct the Machia reservoir in order to provide the large Kau-Shiong provincial area with water. The *Rukai* peoples will lose their land but are ready to unite to defend their homeland.

The government is still determined to maintain the operation of and expand the nuclear waste dump on Lan-Yu. For the *Tao (Yami)* people it is a struggle for life.
The 'Return my Land' movement is continuing its work despite tremendous difficulties. In the light of the positive experiences made, it decided to hold more conferences on the issue.
In pursuing the plan to establish the National Council and National Autonomy before the year 2000, a preparatory committee was founded and two meetings were held in 1996.



1. Karen

2. Rungus

3. Dusun

4. Murut

5. Penan

6. Iban

7. Orang Asli

8. Dayak

9. Behoa

10. Haruku islanders

11 Kawera, Namunaweja, Anggreso, Manau, Bauzi, Dani

12. Ibaloi

13. Bugkalot

14. Ayta

15. Ati

16. Tggbanua, Palaw'an, Batak

17. B'laan

SOUTHEAST ASIA

THAILAND

The tribal peoples of Thailand have traditionally lived in the highlands of the North and West, living along the waterways and practising rotational agriculture. They have different farming systems for each season and have ceremonies asking forgiveness and giving thanks for disturbing the soil. They consciously manage their natural resources and wildlife. Local leaders maintain peace and relations within the communities. They have lived together peacefully with the land, water, forests, and animals under the principle of 'use and maintain'. They have done this for hundreds of years.

The time of the Bowring Treaty of 1855 had a distinct impact on the land, water, forests and animals of Thailand, particularly in the North. This treaty permitted persons from the West to cut the teak trees traditionally under the care of the indigenous peoples. This destruction of the teak forests continued until the Thai Government passed the first forestry law in 1941. What was left were the poor quality trees and stumps to serve as a memorial and a source of future Thai lumber concessions.

In the lowland plains areas, the forests disappeared rapidly as the trees fed factories and industry. This left land only suitable for the cultivation of cassava and sugar-cane and further decreasing fertility. The result was the clearing of new agricultural lands of immense area during the period of the nation's first National Economic and Social Development Plans. Eventually, the government recognised the extent of the destruction and passed the National Wildlife Protection Act in 1960, the National Parks Act in 1961 and the National Forest Reserve Act in 1964.

At approximately this same time, communities in the North of Thailand began cultivating new crops from China which required a cooler highland climate. This was frequently done in proximity to the traditionally protected water sources and, thus, village leaders opposed these moves, sending the lumbering equipment they con-

fiscated to the local authorities. But this proved futile in the face of influential forces, in collusion with government officials, and the forests once protected by the highland communities became bare.

The Struggle of the Communities

Following the devastation of the forests generated by the introduction of new crops, the government became more sensitive to the problem and mobilised both Thai and foreign organisations with the objectives of development and reforestation. Unfortunately, the methods were foreign and the replanting of forests was often accomplished on existing highland farmlands. Thus, new and more complicated problems arose and continue today, for example, the use of toxic chemicals and soil erosion. These problems are totally alien to the original rotational farming.

To date, the government has established forty-one wildlife refuge areas and is preparing another five, with a total area of 2,860 hectares. There are also another seventy-five national parks, with forty more about to be inaugurated in areas already inhabited by long-established local communities. The government intends to preserve its forests through a classification system. All areas 600 metres or more above sea level with a slope of 35° are Class 1A and prohibit human occupancy. Existing villages are to be relocated. Class B and C watersheds have lesser, but still significant, restrictions on human occupancy. The total areas which fall into this new classification system are: Class 1A, 1.12 million hectares; Class B, 8.32 million hectares; and Class C, 14.08 million hectares. All of these areas have existing highland communities which will suffer the consequences. Official government policy is one of 'separate the people (communities) from the forests' and measures have been undertaken to ensure that this is done. For example, termination of infrastructure development, school and health station construction, arrest of persons practising agriculture, and prohibition of housing construction materials.

The unjust insults and injuries suffered by the highland villagers have motivated them to seek alternatives. They have turned to non-governmental development organisations, academics and the mass media. During 1991-1993, practical research was conducted on 'Community Forests in Thailand, A Development Approach'. The results underlined conflicts between traditional lifestyles and government policy and laws, with authorities disregarding and infringing on the rights of villagers. It was also found that local communities possessed the capacity for resource management, which they had been

Thailand's indigenous forest peoples face an insecure future: Karen women in Chiang Mai province. (Photo: Chris Erni)

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practising for a considerable length of time. There were more than one thousand existing community forests in the country. The outcome was the drafting of the Community Forestry Act, which unfortunately had a number of limitations. For example, community forests could only be located in national forest preserves, which does not conform to reality, because many of these were in areas recently classified 1A. The drafting of this act lacked public consultation and neglected the local wisdom and experiences of the highland communities. Thus, we now have a Community Forestry Act out of touch with reality and which does not address local needs. In response, village representatives, NGOs and academics drafted a Peoples Community Forestry Act, but this was not acceptable to the government.

In 1994 villagers established the Northern Agricultural Network in order to begin finding solutions to agricultural problems. And for the first time in history they gathered together during 28 April - 3 May, 1995, (during the Chuan Leekpai government) to call for the recognition of their rights. The result of these negotiations was a government decision to draft a new Community Forestry Act and establishment of a Committee for the Solution of Forestry Problems. But before any action could be taken, Parliament was dissolved and a new government elected.

These conflicts concerning the Community Forestry Act during the Chuan Leekpai government could not be resolved, and another draft of the Act was completed on 11 April, 1996. This received Cabinet approval on 30 April, 1996, (during the Banhan Silpa-acha government) and immediately brightened the spirits of the highland residents. Then the clear skies turned cloudy when four conservation organisations: Sueb Naksathian Foundation, Green World Foundation, Thammanat Foundation, and the Society for the Conservation of Arts and Environment, voiced total opposition to the establishment of community forests in Class 1A watersheds. The highland residents could not accept this, since a great number of their communities had been designated as lying within those 1A boundaries. Acquiescence would be the equivalent of relocation from their homes. When a series of negotiations failed, the government agreed to a 'Public Hearing on the Community Forestry Act' in October of 1996. However, nothing happened because the Banhan government dissolved Parliament.

The Convention of the Poor and the New Aspirations Party

Each group had its own particular problem and cause, none of which were ever solved in any concrete terms. As a result, the poor who were impacted got together to establish their own network in December, 1995, calling this body the 'Convention of the Poor'.

When the New Aspirations Party received the greatest number of votes in the recent election, its leader, General Chavalit Yongchaiyuth, became the Prime Minister and promised to solve the problems of the poor. The Convention of the Poor, 20,000 strong, assembled in front of the Government House on 25 January, 1997, to negotiate with the government on six major issues: 1. Land and forests; 2. Dams; 3. Government development projects; 4. Slums; 5. Work-related disabilities and environment; and 6. Alternative agriculture networks.

The Northern Agricultural Network joined in the negotiations on land and forests. The intention was to draft a clear concrete and practical plan for solution of the problem. The negotiations with government representatives were extremely slow, because the government was not serious about a solution. Rather, they hoped to delay until the villagers became tired and twisted the intentions of the farmers. One group of participants became so stressed that ten of them ended their lives. One of them was a *Karen* whose lands were being taken over by a national park. He decided to end his life by jumping from a train while returning north with his relatives from the Government House. This occurred on 5 March, 1997, after the Minister of Agriculture confirmed that all persons in Class 1A watersheds must be relocated. Before committing suicide, he remarked to a close friend, 'Our homes, our forests. We've watched over them since the time of our ancestors. Why do they have to bully us like this? Why should we carry on when the government has no interest in us? We go home and we'll be driven out of our forests. It's better to die.'

After establishing itself on 25 January, 1997, the government, led by General Chavalit Yongchaiyuth, passed a Cabinet resolution calling for the solution of all problems for all groups on 19 April, 1997. The villagers were pleased and left for home on 2 May, 1997, believing this to be the final day for the meeting of the Convention of the Poor.

As for the recommendation of the Northern Agricultural Network regarding the problem of land and forests, 107 villages listed six separate actions to be taken:

1. Immediate abolition of the government policy of relocation from forest areas;

2. Surveys and proof of residence of villagers prior to the establishment of national parks, wildlife refuges and Class 1A watersheds. If prior residence is proved, the Forestry Department and other responsible agencies will void all regulations prohibiting residence and farming and affirm residential and agricultural rights in accordance with the law;

3. Investigation and proof of rights and affirmation of rights:

   • A committee will be established with responsibility for the investigation and affirmation of rights. This committee will comprise representatives of concerned government agencies and the people affected in equal numbers;

   Persons being investigated must be those who are true residents of the areas under question;

   • Criteria for investigation and affirmation include compliance with at least one of the following:
      • Evidence of fruitful use of the land;
      • Man-made structures, fruit trees or perennial trees;
      • Confirmation of status by a member of the community;
      • Official documentation, including SK 1, PBT 5, house registration, etc. which shows prior residence or fruitful use of the land;

   • Criteria for the affirmation of rights. The responsible agency will affirm the resident's rights as follows:
      • For residents with sufficient evidence to warrant the issuance of official documentation in accordance with the laws governing land, e.g. SK 1, the Land Department will issue the appropriate document as quickly as possible;
      • For residents without sufficient documentation of land ownership, an SPK.4-0-1 should be issued as quickly as possible;

4. With respect to existing community forests that the villagers have maintained in a sustainable manner, the community's rights to these forests and their use will be officially acknowledged. There should be no arrests, threats or encroachments on these lands by the authorities. When the Community Forestry Act is passed,

conservation forest status will be withdrawn and status as community forests will be legalised;

5. During the process of correction of the forestry problem the villagers will be allowed to continue residence and farming on their traditional lands without threats, arrest or encroachment by officials. At the same time, they will be allowed to develop public facilities such as home construction and improvement of roads, water systems and electricity.

6. A committee will be appointed and made responsible for oversight of correction of the situation in accordance with the results of negotiations. The Prime Minister or delegated Minister will serve as committee chair, with representatives of concerned government agencies and affected villagers serving as committee members in equal number.

At this time, we are awaiting concrete actions as promised by the Cabinet. We beseech the authorities to solve this problem in accordance with the Cabinet resolution of 29 April, 1997.

Following the dissolution of Parliament under the Banhan government, another public hearing on the Community Forestry Act was scheduled for 29 May, 1997, under the General Chavalit government. We have no idea what the results of that hearing will be, but we hope that the act will finally be passed and the highland problem solved. The villagers would then be given their rights to management of these resources which were seized by the authorities, through the Forestry Department, 100 years ago. The forests would be returned to them as called for by government policy on the decentralisation of authority to local levels. And the highland people would be able to celebrate their victory in re-establishing their traditional lifestyle in harmony with the nature that surrounds them.

MALAYSIA

Resolution of the Indigenous Peoples of Malaysia

In September, 1996, a conference on 'Land Rights and Identity' was organised in the capital Kuala Lumpur by the University of Malaysia's Institute of Advanced Studies, with participation of indigenous peoples' representatives from all over Malaysia (Peninsular Malaysia, Sabah and Sarawak).

The conference passed a resolution addressed to the Malaysian Government. It demands that:

1. Native customary land in Sarawak should be given recognition and respect with regard to the law and its implementation. Native customary land can be identified by burial grounds, cultivated areas or individual crop indicators such as the ipoh or tajem tree; by rivers and mountains named by indigenous peoples; as well as land recognised as such by other communities.
2. The process of approval of native customary land rights applications must be sped up. Land surveys can be hastened through mapping, dialogues and seminars. Mapping which is done by indigenous people themselves on their land must be supported and accepted by government departments.
3. Demands from some communities not wanting their land to be titled should be respected.
4. The Sarawak Land Code, which restricts the rights of indigenous people over their customary land, must be abolished or amended.
5. The government must consult with the whole community involved before appropriating their native customary land. Land disputes which result from the issuing of timber concessions to timber companies, government land agencies, private land companies or infrastructure projects such as the Bakun dam, all of which were made without prior consultation with indigenous peoples, must cease.
6. Actions taken by indigenous peoples to defend their customary land such as erecting peaceful blockades, should not be seen as opposing development, and those involved should not be punished.
7. Indigenous communities whose land has been taken away and who have been relocated must be provided with land so that they can continue their lifestyle, and they should be given reasonable financial compensation and other basic facilities and subsidies until their new farm crops mature. This is to ensure that their lives are not threatened when land acquisition and resettlement occurs.
8. Development on customary land should ensure that land ownership and land use remain intact. It should respect agreed boundaries so that customary lands are not invaded. It should bring

benefits to indigenous peoples by providing facilities such as schools and clinics.

9. Cooperation and dialogue between the government and indigenous peoples pertaining to land and identity must be improved. Indigenous peoples should be prepared to work with the government, and at the same time the government must recognise customary land and identity, especially the Penan community. A network of indigenous peoples can be formed at the village level to coordinate discussions, dialogues and seminars together with the Majlis Adat Istiadat (Native Affairs Council).

Orang Asli (Peninsular Malaysia)

One of the more positive events of 1996 concerning the *Orang Asli* (the indigenous minority peoples of Peninsular Malaysia) was the resolution of the Jeli case. Here, nine Jahai men were charged with culpable homicide not amounting to murder, for the deaths of three *Malays* who had tried to usurp the Orang Asli of their customary lands in 1993. The three Malays had come with three others to claim for themselves land that traditionally belonged to the *Jahais*, a Negrito sub-ethnic group of Orang Asli in Northern Kelantan. However, after the prosecution had closed its case, the judge ruled that there was insufficient evidence to require the Orang Asli defendants to enter their defence. They were therefore acquitted and the case closed.

However, 1996 also saw a new case being filed in the courts. The *Temuans* of Bukit Tampoi, Selangor, were unhappy with the quantum of compensation they were offered for the acquisition of part of their land for a highway project. To rub salt into the wound, other non-Orang Asli landowners were given compensation amounts five to six times more than the Orang Asli. In fact, the Orang Asli were only being compensated for the fruit trees and houses affected by the highway project, their lands being regarded by the authorities as belonging to the state. With the help of lawyers from the Malaysian Bar Council, they have filed a case to have the courts recognise their ownership of their traditional lands. This will be a test case for the Orang Asli and will have constitutional implications.

Land Rights

Land matters also remain the sore point for other Orang Asli communities. Five *Jakun* communities in Bekok, Johore, for example now face relocation to a smaller site as part of the government's

plan to resettle Orang Asli. Prior to this, the Orang Asli here were engaged in a dispute with a private company that started to log their traditional lands. The company, which was allegedly linked to local politicians, had begun extracting logs from a logging concession originally given to the local Orang Asli cooperative.

In Bukit Lanjan, Selangor, a private housing developer and the authorities are splitting the Orang Asli community in their plan to turn the Orang Asli settlement into a major housing scheme. The land, which is on prime land close to the capital city, is worth millions of dollars, but the developers hope to acquire the property for a considerably lesser amount by dividing the community into competing factions.

In another case, the Mah Meris on Pulau Carey, also in Selangor, are being enticed by housing developers to give up their traditional lands in exchange for a cash consideration plus a house. However, the local chapter of the Peninsular Malaysia Orang Asli Association (POASM) is unhappy that the investors have intentionally chosen to bypass the association in negotiations. They have also expressed fears that the developers, working hand-in-hand with some senior officials of the Department of Orang Asli Affairs (JHEOA), are hoping to dupe the Orang Asli into giving up their lands for a fraction of their value.

Nevertheless, it has become clear that the new strategy to reduce the already-small acreage of Orang Asli land seems to be by way of granting individual land titles to Orang Asli. For example, the state governments of Perak and Pahang have promised to grant such individual titles totalling 3,000 hectares to Orang Asli in twenty-six settlements. However, this comes with a catch: the Orang Asli may have to relocate to 'more productive lands'. In any case, the 3,000 hectares barely exceeds the 2,764 hectares already degazetted by the authorities in the past four years. Besides, the Orang Asli stand to lose even more land since those settlements which are already gazetted (some with as much as 100 hectares per household) will now be replaced with smaller areas with individual titles (about 2.5 hectares per household). The call has therefore been for the authorities to grant permanent title to the existing Orang Asli areas, with an option for the community itself to grant individual usufructuary rights according to their tradition.

Environmental Destruction and Continuing Poverty

1996 also saw the Pos Dipang mudslide tragedy. After three days of heavy rain, a torrent of mud and debris washed down on a *Semai* settlement on the slopes of the main range, killing thirty-nine Orang Asli and destroying homes and other property. Despite old logging stumps being seen among the debris, the authorities disclaimed any connection with past logging activities in the area. Not long after, in Kampung Tisong, also in Perak, the Semai village was flooded after a heavy rainfall. Logs were also seen floating in the river. Again, the authorities disclaimed any connection with logging activities upriver.

Socio-economically, nevertheless, the situation of the Orang Asli remains depressing. Official statistics revealed by the Department of Orang Asli Affairs (JHEOA) show that 80% of the Orang Asli live below poverty level (compared to 8.5% nationally); 50% are among the very poor (compared to 2.5 per cent nationally); and 66% of the Orang Asli are illiterate. Also, only 0.2% of Orang Asli have title to their land, and only 30% of Orang Asli in the re-groupment schemes have electricity and water (compared to 90% nationally).

Health-wise, according to a review by Dr. Dee Baer, the Orang Asli are reported to be generally worse off than the national population. Like the incidence of tuberculosis, the crude death rate for Orang Asli was also twice as high as the national average. The corresponding infant mortality rate for Orang Asli was more than three times the national average.

Malnutrition is also common in many Orang Asli localities, while diseases of affluence are rare. According to a 1995 study, Orang Asli women are the most malnourished adult group in West Malaysia, with 35% of them having protein-energy malnutrition. For Orang Asli children, recent studies find 23% to 68% are underweight while 41% to 80% are stunted in their growth. And, distressingly, 60% of all mothers who die in childbirth are Orang Asli.

Needless to say, the Orang Asli remain the poorest and most marginalised sector of Malaysian society today.

Sarawak

In January 1997 the Swedish-Swiss Asean Brown Boveri company (ABB) started construction of the gigantic Bakun hydroelectric power plant at the Balui River in Sarawak. The planned dam, with a height of 205 metres and a length of 740 metres would flood 696 sq

km of indigenous peoples' land, mostly rainforest rich in animal and plant live and harboring more than one hundred endangered species protected by Malaysian law. 9,500 people from 16 communities belonging to the *Kayang*, *Kenyah*, *Kajang*, *Ukit* and *Penan* indigenous peoples would lose their land. They have, however, joined their forces in defence of their rights and organised themselves in the Bakun Region's Peoples' Committee, which is supported by a coalition of 40 Malaysian environmental and human rights organisations.

In June, 1996, The Malaysian Supreme Court decided that the environmental impact assessment did not comply with legal requirements. However, the appellate court reversed the decision in February this year. An international campaign aimed at convincing ABB not to sign the contract, initiated and coordinated by the Switzerland based Berne Declaration, was supported by 204 organisations from 30 countries, but apparently with little success.

Even in economic terms, the Bakun dam project is more than questionable. Of the US$ 5.4 billion construction costs, three-fourths are needed for the transmission lines needed for bringing the electricity across the Karimata Strait to the industrial centres of the mainland. Scheduled to come into operation in 2003, the Bakun power plant will produce the most expensive electricity in Malaysia.

As the result of Malaysia's economic liberalisation policy, Bakun will not be operated by the government but by a private corporation, the Bakun Hydroelectric Corporation. It tries to raise the necessary capital on the private capital market by issuing shares on Kuala Lumpur's stock exchange. The British investment consultancy firm Delphi International recently evaluated the potential profitability of the Bakun project. The report concludes: 'We are advising investors, who are considering direct participation in the capitalisation of the project through the Bakun Hydroelectric Corporation, to reconsider the matter ... returns on investment are a long way off and will be inadequate, especially in view of the risk involved'. And the *Financial Times* remarks that the 'financing of the dam could prove to be more difficult than its construction'. The Malaysian Government, however, seems to be determined to push the project through - against all economic common sense, against ecological considerations, and, once again, against the rights of the indigenous peoples.

The indigenous peoples in Sarawak are still constantly being harassed and mistreated by the government's security forces and

the paramilitary units of private companies because of their opposition to the continuing logging activities on their ancestral land.

In March, 1996, paramilitary members frightened women and children of Ulu Baram by pointing their machine guns at them. They handcuffed Stanley Lajo and beat him. Two days later, when the Penan demanded that a bulldozer be withdrawn from a part of their forest area, they were again threatened by members of the paramilitary units. Shortly afterwards, Lieutenant Anthony Besar arrived on the scene and ordered his men not to be hostile toward the Penan. But when he drove away, the paramilitary shouted to the Penan that if they had any courage, they should come out and fight. They fired thirteen shots at the Penan. Fortunately, no one was injured.

Five Penan men and a Penan woman were arrested in Long Sayan on 9 August while participating in a blockade against logging, and on 19 October, seven Iban men were arrested and detained for a week in Rumah Bungah because of their opposition to the operations of Limbang Trading Co. The logging company belongs to Minister Datuk James Wong.

Four Penan men: Pusu Bujang, Beripin Wan, Jangin Jalong and Wan Musong were arrested by the Malaysian police on 13 March this year while trying to negotiate with the logging company Samling near their village at Long Kerong. The four Penan were held in the Miri Divisional police station. After two nights, they were sent to the Marudi district police station.

According to press reports dated 16 March, 1997, the four Penan were arrested on accusation of thefts and mischief during anti-logging protests at timber camps in upper Baram. It was also mentioned that the Penan allegedly turned aggressive and tried to attack the Police Field Force (PFF) with hoes and blow pipes cum spears.

They were charged for unlawful assembly by the Marudi Magistrate Court on 20 March. No pleas were taken from the four Penan men when the charge was read out and explained to them before the magistrate. They were released on bail with one surety. However, in the afternoon the four were rearrested and remanded again by the police, allegedly for theft.

In a press statement released on 22 March, three relatives of the detained Penans strongly denied the allegations and statement by the police. They said they were at the protest site when the PFF

came in three land cruisers fully armed with machine guns, tear gas and knives. The police shot into the air several times, talked rudely and tried to maltreat the Penans with their hands, machine gun butts and with knives. The Penans denied having acted aggressively in any way. According to the three relatives of the detained Penan, 'there were seventy Penan men, women and children at the Segita River when the police came to meet them. We went there to forward a letter to urge the logging company to stop logging within the area which we have set aside for our community's needs.' They added that 'nineteen other Penans (men and women), were assaulted or beaten by the PFF using their machine gun butts and also kicking with their boots'.

It is believed that the four Penan people have been exposed to violence at the Miri Police station. A presumed eyewitness saw Jangin Jalong taken away with a bleeding nose. It is believed that two of the persons are reportedly sick. Their relatives and lawyer have requested for medical examination of the four arrested, but the police still have not responded to this request. The families have been denied access, and food brought by relatives has been turned away. The alleged illegal assembly case would come up for Court mention on 11 November, 1997.

On 23 April, nine *Iban* were arrested by Malaysian Police Field Force personnel for protecting their native customary land from encroachment and destruction by the oil palm plantation developers, Land Development Custody Authority (LCDA) and Nation Mark Sdn. Bhd. They were order by the Magistrate's Court Miri to execute a bond of peace for six months. The Court released them on RM 3,000 bail in two sureties each.

When the Iban were brought before the magistrate on the morning of 23 April, they were not given the opportunity to explain their case. The public prosecutor just read the allegation against them and requested the Magistrate to give order so that the nine Ibans enter a bond of peace for six months. The magistrate did not question the nine Ibans. Upon the prosecutor's suggestion, the magistrate made the order straight away.

Six of them have been released. However, another three (Headman Riggie Ak Beluluk, Ungkok Ak Ata and Gengga Ak Timbang) were dissatisfied and disagreed with the order made by the magistrate. When met by their relatives at the Magistrate's Court, they told their relatives that the decision made by the magistrate was

very unfair. They said that such an order is only for those who committed criminal offences, and that they are only protecting their ancestral land and their life. The three were sent to the Miri Central Prison on 24 April.

Sabah

In Sabah the struggle by indigenous communities to maintain integrity and control over their resources as well as gain recognition as indigenous peoples continued. To many indigenous communities, the laws and policies which put importance on the development of high-tech industries, the exploitation of resources for agriculture, timber, fisheries, tourism and mining, and the fast rate of growth in rural and urban areas are unsustainable. However, many - especially those who live in urban and suburban areas - find themselves in conflicting situations under the impact of consumerism and other cultural influences.

Those who live in rural areas and continue to practise their traditional way of life experienced hardship and threats to their lifestyle as they encounter conflicting world-views on development. Encroachment on native customary land, exploitation of resources and laws affecting indigenous or native customary land which were introduced by the British (particularly the Sabah Land Ordinance, 1930) and those subsequently introduced by the state government (various enactments of government statutory bodies) are defective, and in many instances, directly in conflict with traditional land adat.

Sabah's development policies are guided by the Second Outline Perspective Plan (1991 - 2000) which hopes to make Malaysia into a progressive industrial nation. Its focus is on liberalisation and corporatisation of the economy.

The Plan, which at the same time aims to eradicate poverty, restructure society and create a society of entrepreneurs, especially indigenous communities, has already shown stark contradictions. It threatens the core values of society in general and particularly indigenous peoples through encroachment on their customary land and exploitation of other resources. Policies to open and grant land to government agencies and corporations for oil palm and tree plantations, building of dams, industrial parks, logging and mining also continue to threaten or cause many indigenous communities to lose their customary land.

Plantations

The privatisation of the Sabah Land Development Board (SLDB) in 1996, one of the biggest government statutory bodies granting land to be developed into oil palm plantations meant that customary land once owned by indigenous peoples is now in the hands of individuals. The *Rungus*, *Tambonuo* and communities in the Bengkoka Peninsular found that the promise of better economic status through resettlement and jobs in plantations was not true. In 1996 operations for the Acacia Mangium trees by the Sabah Forest Development Authority (SAFODA) were cut to a minimum. Many settlers had to look for land to plant padi to supplement their reduced income. Indigenous communities who fought to defend their land managed to get some areas for padi cultivation, but they have a hard time adapting to the change from growing hill padi to wet padi. The plantation also resulted in reduced area for a diversified form of agriculture and reduced biodiversity which in turn has an impact on the peoples' culture and food security. Indigenous communities complain about the difficulty to obtain traditional medicines, food and building materials due to the changed and monotonous environment.

Forestry and Conservation

The impact of logging continues to be one of the main issue for many communities in the interior, northern as well as the Sandakan region, in terms of destruction of traditional land and livelihood, traditional medicines and spirituality. Nevertheless, the government continues to play down the negative impact of logging on indigenous communities. With increasing public awareness and pressure on countries to reduce destruction of the environment, the blame is instead placed on rotational agriculture or the increasing incidence - but still negligible compared to licenced logging - of illegal logging. The most blatant denial came in December, 1996, when the worst flood disaster hit Keningau in the interior region of Sabah, where there is active logging in the area. Log and mud debris carried down by the swollen Pampang River killed 230 people and washed away more than 100 houses.

Although the commitment by the government through the Forestry and Wildlife Department in conserving biodiversity in the state is commendable, the traditional approach to gazette more areas for parks and wildlife sanctuaries has worked against indigenous communities. One example is the implementation of the

Lower Kinabatangan River Wildlife Sanctuary in 1996. It covers an area of 28,000 hectares, which means that the *Orang Sungai* communities from more than 7 villages can no longer continue to use the forest. Most of the villagers have asked the government to replace this forest area which they consider as their traditional forest. It has been their source of livelihood and spiritual and cultural continuity.

Industrial Parks

In 1996 the state government pursued the opening of the Kota Kinabalu Industrial Park (KKIP) at a breakneck pace. Work to implement the KKIP only started in 1995 as part of a promise by the National Front government when it came into power. The pace in which change is taking place has thrown many indigenous communities living in the area into a state of chaos. The project covers an area of approximately 3,700 hectares in the Telipok area, about 30 km from Kota Kinabalu, and will consist of several zones such as a Free Trade Zone, Industrial Zone, Business and Commercial Centre, Residential Area, Tourism and Recreation, and Nature Park.

Among the many villages affected by the opening of the KKIP are Kampung Norowot and Sukoli which has an area of about 4,000 hectares. They have their own native title to their traditional land. These two villages have fertile agricultural land, populated mostly by Dusuns and a small number of Bajaus. While the majority of those affected are farmers, there are a small number who work outside besides working their land. The main crops cultivated are paddy, rubber and fruit trees.

Realising the futility of their protest against the government's intent to start KKIP, the villagers have filed a court case to demand fair compensation for the land, crops and houses as well as an alternative site for their ancestral graves. They further want to be provided some 80 hectares of land to resettle, preferably near the site of the Malaysia University-Sabah Campus. The government has promised to set aside a resettlement area for these two villages and adequate facilities including houses and basic amenities such as electricity and water. These are all the facilities which the villagers are enjoying in their village now. However, without land, the prospect of earning a living outside is gloomy, especially for women, the aged and those who have worked and lived close to their land; it will be an alien life to lead.

Identity: Culture and Language

Another issue which has brought mixed feelings among indigenous communities recently is the question of culture and language. On the one hand, the concern about the declining use of several indigenous languages which prompted a campaign by several quarters to introduce vernacular language as a school subject has finally paid off. In April, 1997, fifteen schools will start as a pilot project to introduce POL, Pupil's Own Language, as a subject.

However, the commercialisation of culture - another important aspect of indigenous identity - showed an ever-increasing trend. The government and some indigenous groups themselves appear to have some misguided understanding that this is one of the ways to preserve culture and at the same time promote indigenous identity. While this may in some ways indeed promote indigenous identity and consciousness, many indigenous communities have instead felt cheated by a false sense of control, as experienced by the Rungus communities due to the impact of ecotourism.

Official statistics quoted a startling population figure for the 39 different ethnic groups. The population of indigenous peoples rapidly declined from more than 80% in 1980 to 54.3% of Sabah's population of two million in 1996 (this includes 506,900 non-Malaysian citizens, predominantly from the Philippines and Indonesia). The 1980 census report lumped all indigenous communities under one category, 'Pribumi', but calculations based on the 1970 census figures which gave a breakdown of all the indigenous communities estimated the total population of indigenous peoples at 84.8%. Although seemingly unimportant, indigenous peoples are in the majority and may have an impact on the overall number of indigenous peoples in Malaysia, where gaining attention from the government is crucial.

Indigenous Peoples Network

The campaign by the Indigenous Peoples Network of Malaysia to gain recognition of their rights to land and their identity as indigenous peoples continued with a series of workshops on land in seven different districts in Sabah. During the workshops, villagers discussed rights to land in terms of use, ownership and boundaries according to their traditional laws or adat. This was compared to the sections on Native Customary Land Rights in the Sabah Land Ordinance, 1930, in terms of protection for indigenous land rights. A

number of activities involving discussions on indigenous culture and identity were also held in preparation for a National Conference on Indigenous Land Rights and Identity to launch the campaign.

The specific objectives of the National Conference, which was held in September, 1996, were to enable indigenous peoples and the governments to hold a dialogue on land rights and identity; to identify government policies related to indigenous land; and to determine mechanisms and methods to be used in improving cooperation between the government and indigenous peoples on the issue of land rights and identity. More than 150 people attended the Conference including about 100 indigenous representatives from Sabah, Sarawak and Peninsular Malaysia, representatives from several state and federal departments and a few non-governmental organisations.

THE PHILIPPINES

The population figures of indigenous peoples of the Philippines have always been a guessing game. Attempts by some observers to classify them into major groupings are also problematic. It is estimated that they comprise 14 % of the population and number more than forty separate and distinct groups. The government agency that is tasked to monitor and provide services to these diverse peoples has placed the number of groups at 73, which includes the *Bangsamoro* people, out of the more than 140 ethnolinguistic groups spread throughout the Philippine archipelago. They are referred to as indigenous cultural communities under the 1987 Philippine Constitution.

General assumptions about the indigenous peoples are the following: that they are primitive, upland dwellers, continue to observe traditional beliefs and practices, wear colourful clothing with matching beads and adornments, and are either fierce head hunters or are timid and afraid of strangers.

Colonisation and proselytisation created a cultural divide between the diverse Philippine population: a Christianised lowlander, the Islamised Bangsamoro and the pagan hill people. The former became the cultural majority of which some became the native political masters and economic elites, while the latter two resisted or retreated into the interior, opposing various designs to integrate

them into the mainstream culture and thus become the minority. They were able to preserve their way of life while the Christian lowlanders assimilated the colonial culture and lifestyle.

Recent political developments have bound some of these indigenous groups together, transcending cultural barriers and differences. In the forefront of these developments are the various Cordillera peoples who are now referred to as Igorot. In Mindanao, the non-islamised and non-Christian groups are known by the Bisayan term *Lumad* (native), while in Mindoro the group ascription of the six indigenous peoples on the island are called the Mangyan. There are also indigenous peoples that are lumped together on the basis of their areas of concentration, such as the Negros-Panay or Bisayan group (Panay Bukidnon, *Negros Bukidnon* and Ati), the Sierra Madre region (Bugkalot, Kalinga, Alta, Agta and Remontado) and Palawan (Tagbanua, Pala'wan, Batak and Molbog). The Ayta people who are widely distributed all over Luzon (Aeta, Agta, Alta), Palawan (Batak), Visayas (Ati) and Mindanao (Mamanua) have organised in terms of local area group; one example is the one in Central Luzon. Others have become part of regional groupings like the Mamanua who are considered Lumad.

A large number of their settlements are located in marginal areas, practising diversified subsistence strategies or a mixed economy of swidden agriculture, hunting and gathering, trading forest products, wage labour, and, in many areas very recently, permanent agriculture.

In 1997 issues affecting the Philippine indigenous peoples can be summed up in terms of recognition of ancestral domain, development aggression, environmental destruction and unsolicited social intervention.

Recognition of Ancestral Domain

Central to the existence of indigenous peoples is recognition of their cultural and resource base, termed ancestral domain. This refers to all lands and natural resources occupied or possessed by the indigenous communities.

The land concept of the Philippine state and the indigenous peoples is poles apart. For the latter, it is equated with the maintenance of their way of life and is seen that without this recognition, their efforts toward self-determination will be in vain. Their identities as indigenous people are deeply rooted in these lands.

In the Philippines the overall philosophy guiding the ownership of all natural resources is based on the *Regalian Doctrine*, which presumes that all land belongs to the state and private ownership or titles emanates from the former. Native Title is not recognised by the state despite that such ownership claims were not completely obliterated by our legal doctrine. The 1987 Philippine Constitution (Art. II, Section 22; Art. XII, Sec. 5 and Art XII, Sec. 6) provides an explicit recognition of the existence of indigenous peoples in the Philippines and mandates the protection of their rights which includes their claims to ancestral lands. However, there is still a pending congressional enactment and approval of laws regarding this.

PD 410 or the Ancestral Land Law, enacted by the Marcos regime on 11 March, 1974, declared that ancestral lands occupied and cultivated by the cultural communities are alienable and disposable. The law gave the ceiling of 30 years prior occupation before the approval of the decree.

The DENR Department Administrative Order No. 2, Series of 1993 (DAO-2) provides the 'Rules and Regulations for the Identification, Delineation and Recognition of Ancestral Land and Domain Claims'. Under DAO-2 the indigenous communities can file their ancestral domain claims through the DENR by submitting documentary proof of their claim over identified territory. This includes anthropological data, maps, photos and testimonies of elders, etc. that will directly or indirectly attest to the 'possession or occupation of the area since time immemorial by such indigenous cultural communities'.

The rights of the indigenous peoples to ancestral domain is also reiterated in the new law on the country's 1.6 million hectares protected areas, Republic Act No. 7586 (National Integrated Protected Areas System Act of 1992). The new law stresses the importance of peoples' participation in the implementation of programmes inside the protected areas, a large part of which encroaches on the ancestral domain of various groups.

The Ramos administration is endorsing a legislative bill on ancestral domain as part of its Social Reform Agenda (SRA). However, both the Congress and Senate have still to reconcile House Bill No. 33 and Senate Bill No. 1728. Considering there is only less than a year before the election of May, 1998, a true miracle is needed to enact this into law.

The Philippine indigenous peoples have resisted and vigourously criticised these various legal requisites for recognition of their ancestral domain. They have declared, among other things, that they have been living on these lands even before the establishment of the government. These are seen as inadequate because they do not render full recognition of the indigenous peoples' rights to the ancestral domain. Besides, the government track record on management plans, community participation and programme implementation leave much to be desired. On the other hand, some feel that they can be utilised tactically to gain control of the area, to protect the remaining resources and to prevent further incursions there. The DENR reported that as of the first quarter of 1997, a total of 1,057,895 hectares of Certificate of Ancestral Domain Claim (CADC) have been issued to seventy-five groups of indigenous peoples.

Development Aggression

Development projects such as the building of dams for energy and irrigation, mining exploration and tourism infrastructures construction have been cited as a major cause for concern by indigenous peoples. Not only are they usually within claimed ancestral domain, measures to mitigate the socio-economic and cultural impacts of the said projects are normally not considered in the projects' implementation. And worse, promises of the government on resettlement and compensation generally remain unfulfilled.

In the Cordillera, the *Ibaloi* people are resolutely opposing the US$ 880 million San Roque Multipurpose Dam. The project will be constructed in San Manuel, Pangasinan downstream of the Agno River. It is touted as Asia's biggest dam and is expected to generate 345 megawatts of electricity, irrigate 87,000 hectares of agricultural land and reduce flooding in Pangasinan.

The Ibaloi opposition to the San Roque Dam is not without basis. The Cordillera is also host to Ambuklao and Binga dams, whose affected population in the 1950s still bitterly remember the hardships and unfullfilled promisses of the government. The Agno River is also heavily silted by mine tailings from the open-pit mines of Benguet Mining Corporation. An additional seven other small hydorelectic projects in the Cordillera are planned by the Philippine Government. Five potential geothermal plant sites have also been identified.

Threatened with dislocation by the planned San Roque Dam: Ibaloi communities who have lived as farmers and small-scale gold panners along the Agno River for centuries (Benguet province, Philippines). (Photo: Chris Erni)

The Casecnan Transbasin and Diversion Project (CTDP) in the Sierra Madre range is another controversial project that will severely affect the *Bugkalot* people in Nueva Vizcaya. A number of *Igorot* resettled in the area by the construction of the Ambuklao dam in the Cordillera will also be affected. Originally supported by the World Bank, the CTDP is now being developed under a 20-year build-operate-and-transfer (BOT) agreement between the government and the C.E. California Water and Energy Co. The Bugkalot with the support of the Nueva Vizcaya Catholic clergy and non-government organisations continue to oppose the project despite fragmentation in their people's organisation and local government support of the project.

The Mining Act of 1995 (R.A. 7942) resurrected the moribund Philippine mining industry. It allows a 100 % foreign owned corporation to operate in the country under a Financial and Technical Assistance Agreement (FTAA). The firm is assured of 81,000 hectares of land for twenty-five years and renewable for another twenty-five years for a minimum US$ 50 million investment. As of early this

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year, there are already 100 FTAA applications covering 8,253,543 hectares. Two are already approved: one in Mindanao for the Australian firm Western Mining Corporation (WMCP) and the other in Kasibu, Nueva Vizcaya for ARIMCO. Also, as of early 1997, 46 out of 150 applications for Mineral Production Sharing Agreements (MPSA) have been approved covering 67,369 hectares.

The FTAA of WMCP was signed in March 1995; however, it has been conducting explorations for more than five years now. It was originally granted access to 89,669 hectares in southern Mindanao, traversing four provinces: South and North Cotabato, Sultan Kudarat and Davao del Sur. About 7,000 *B'laan* people from 14 villages of Columbio, Sultan Kudarat are at risk to be displaced by the mining and exploration activities.

In northern Palawan, Shell Philippine Exploration B.V. and Occidental Philippines (Oxy) are planning to build a 480 kilometer long offshore natural gas pipeline from its Malampaya field that goes all the way to Batangas passing either on land or under the sea off the coast of Mindoro. The *Tagbanua* of Coron and Tara Islands who are subsistence fisherfolks and Nido (bird's nest) gatherers are opposing the project. They only use small non-motorised boats in their fishing activities. The Shell-Oxy project will limit their access to a large area of the sea where the offshore pipeline is situated. With the assistance of the Philippine Association for Inter-cultural Development (PAFID), the Tagbanua have delineated their ancestral domain using the global information system (GIS) and have submitted this to the DENR for recognition.

Despite the Strategic Environmental Plan for Palawan Act which stipulates that core zones should be free from any commercial activity such as mineral extraction, the Palawan cement project by the Canadian firm Fenway Resources, Ltd. and the Central Palawan Mining and Industrial Corporation have been favourably endorsed by local government units of Espanola and Quezon in Palawan. They believe that the more than US$ 323.8 million project will contribute not only in terms of taxes but also employment opportunities. The *Pala'wano*, the indigenous people who will be dislocated by the project think otherwise.

The 15,000 hectare limestone quarry of the project will encroach on the Domadoway Tribal Foundation which has a twenty-five year Certificate of Stewardship Contract Agreement (CFSA) on the area that covers 2,530.66 hectares, close to 50% of which are virgin forest.

Around 2,000 Pala'wano families are directly affected. Various Palawan social development agencies led by the Palawan NGO Network (PNNI) are coordinating with the communities to stop the project.

Tourism

In Palawan, the arrival of tourists has opened new opportunities and availability of some goods for the *Batak*, *Tagbanua* and Pala'wan. Tourist establishments are utilising the indigenous peoples as guides. Baskets, mats and other cultural materials produced by indigenous peoples of Palawan are popular merchandise as souvenirs. Sacred sites have been commercialised and indigenous practices have been trivialised.

Boracay Island in Panay was recently hailed as one of the best beaches in the world. However, the dislocation of the *Ati* in the island has been ignored.

The Ati and Palawan experience is something that has been going on for other indigenous peoples, including in the Cordillera and among the *lumad* in Mindanao.

Environmental Destruction and Biodiversity Loss

The forest continues to be most important ecological zone for indigenous peoples. Their resource utilisation is the product of a deep understanding of and relationship with their environment. Most of them believe that this is the abode of deities and spirits that govern the existence of the community. Swidden fields are carved in the mature or secondary forest. The clearings are also used for secondary dwelling sites and gardens. The interior provides plants and tubers in time of scarcity and medicinal cures; serves as hunting grounds; and provides honey and other forest products for trade. The river and streams are sources of fish, crustaceans and shells, while its banks supply some edible plants.

The unhampered and ceaseless destruction of the Philippine forest and eventually biodiversity loss has had grave repercussions among the indigenous peoples. In 1903 total forest cover of the Philippines was said to be 70% while in 1994 the only remaining forest cover is 18.95%. Among the consequences are decreasing number of game, loss of edible plants and eventual destruction of habitats. Resources that were important and utilised as food, ritual and medicinal articles, and technological wealth are becoming depleted and rare.

Forests and marine resources are only seen as inventory of extractable and commercial wealth but for indigenous peoples, the receding forest may mean the need to travel longer distances from their settlements to forage and transport commercial forest products to the market.

Despite a number of state environmental policies and programmes, upland migration and encroachment on their traditional territories remain unchecked. It not only altered their traditional subsistence pattern resulting in wide-ranging effects on their culture, but worse, these acts more often than not led to dislocation from their ancestral lands.

In Central Luzon the aftermath of the Mount Pinatubo eruption resulted in the dispersal of the *Zambales* and *Pampanga* Ayta people in various cramped resettlement programmes, where they subsist mainly on relief goods and small plots allotted to them.

The inability of some indigenous peoples to adapt to these imposed new conditions, has put a strain on their environment which resulted in widespread poverty due to fluctuating and dwindling yields. Thus, in some areas, the *Mamanua* of Surigao, Ati of Panay and Igorot are forced to become ambulant vendors in the town centres, selling their bow and arrows, and medicinal and magical paraphernalia. Cases of begging are also becoming a more common sight. This is a situation which, if not arrested, might cause not only environmental tragedy but also an ethnocide.

Social Intervention

Among the most marginalised in the Philippine society, the indigenous peoples not only do not have access to the development opportunities of the mainstream society, but their very existence is in danger of being eradicated. Most development efforts by both government and non-government entities have vacillated between 'preserving' them or railroading them into the so-called modern age.

Since colonial times whenever state planners talk about development and the indigenous peoples, such development is usually measured by their degree of integration and acculturation to the societal mainstream. Programmes and projects for the indigenous peoples are centrally administered, with the purpose of 'Christianising', 'civilising', or 'modernising'.

It is not also surprising that different churches have dispatched a number of missionaries to turn the 'pagans' into god-fearing Chris-

tians. The Summer Institute of Linguistics (SIL) and the New Tribes Mission, to name just two, are very active in linguistic studies and bible translation of indigenous groups.

Resettlement programmes induced by the 1992 Mt. Pinatubo eruption and development projects have restricted the indigenous peoples' mobility and economic activities. This is aggravated by their dislocation due to the ongoing military campaigns by the government against the National Democratic Front in the countryside.

Social intervention programmes such as literacy, health and socio-economic projects have not yet manifested overall and lasting effects on the culture of their target beneficiaries.

Progress in livelihood is often measured in terms of a development ladder as a result of a narrow interpretation of social evolution. This means that a society is expected to move upward from one stage to another, evolving into a different kind of system. There are implications here on how development is to be measured. Based on this premise, the indigenous peoples are at the lower end of the ladder and have to accept modernisation in order to 'develop'.

There are several instances wherein the assistance provided by development projects to the indigenous peoples is not appropriate. This may be caused by a misreading or lack of understanding of the specific characteristics of the indigenous peoples, or be due to the fact that programmes are too often implemented by lowlanders. Instead of helping them, such assistance runs roughshod over their beliefs and cultures, and hastens their integration into the market economy and the destruction of their indigenous social and political relations.

INDONESIA

Indonesia's political life during the year 1996-97 was characterised by increasingly frequent violence that also involved indigenous peoples *(masyarakat adat)*. In most cases, the victims in the confrontation between indigenous peoples and the state or state-supported national and multinational investors were the indigenous peoples. A case in point is the unrest in 1995 that involved the Indonesian army and cost the lives of at least sixteen people of the *Amungme* tribe in Timika, Irian Jaya (West Papua). The government, however, has stated that the army operation was necessary given the state's

Marker of ethnicity and symbol of war: clay pot with ritual accessoires in front of Dayak home near Anjungan, District of Pontianak (Kalimantan, Indonesia). (Photo: Hilario Holsapple)

duty to protect and grant the security of the respective American mining company, Freeport Indonesia Inc. (FIC).

However, it is also true that it is the indigenous people themselves who perform violent acts in self-defence against the state's violence or simply to remind the state of their existence that has so long been forgotten in politics and economic development. One example of a violent act perpetrated by indigenous people, clearly the biggest in terms of human casualties (according to the official account below 300, according to unofficial sources ten times as much), took place between 30 December, 1996, and the end of February, 1997, in the northwestern and central part of the province of West Kalimantan, involving approximately a dozen *Dayak* subtribes there. The case shows how structural violence by the state arouses violent reactions on the part of the indigenous peoples.

Various cases during the last several years show that conflicts between the state and indigenous peoples over natural resources are virtually endemic throughout Indonesia. There is a widening and increasing trend of protests and fights that involve physical action by various indigenous peoples' communities - especially

outside Java - against forest concessionaires, industrial plantation concessionaires, mining companies and transmigration projects. This phenomenon of violence is something that arises abruptly and by itself. It is more an accumulative result of society's disappointment regarding the development policies during the thirty years of Soeharto's New Order regime that emphasise economic growth and are implemented hand in hand with a repressive security approach in dealing with political dynamics. The indigenous peoples have been victimised by the New Order's political decisions, that is by the implementation of natural resource-based industrial development. The phenomenon reflects the frustration and anger of indigenous peoples towards the centralisation of political power in the hands of a tiny political elite and economic power in those of a few business conglomerates which are the clients of the political elite. It is obvious that the Government of Indonesia has relied on force and ideological manipulation rather than on legitimacy, and that the interests of indigenous peoples have no space in the current political system and structure of Soeharto's New Order. In this view, the biggest challenge to indigenous peoples in Indonesia in the near future will be institutional empowerment in order to secure their involvement in local, national and international political processes. For the state government currently in power, the reality of ethnicity and the existence of indigenous peoples is still viewed as a threat for 'development' and a cause of national disintegration. This view, ironically, is not in line with the country's foundation *'bhinneka tunggal ika'* or 'unity in diversity' that was put in place by the nation's founding fathers. The development policy only stands for the interests of capital owners - Indonesian and foreign - and the political elite. The idiom of development and progress that serves so elegantly to hide the profane material interests of these two groups has been used by the state to legitimate many national policies that violate the rights of indigenous peoples.

Cases from many localities in Indonesia reported here show that conflicts between indigenous people's communities and the state are not related to race or issues of ethnic domination as often perceived by foreign journalists and observers. The main issue is the centralised development processes anchored entirely on the political power of Soeharto's New Order government. This interpretation would explain the fact that the physical conflicts are intensifying in terms of casualties and are more difficult for the government

to control. The case of the Dayak communities in West Kalimantan clearly bears this out. Traditionally, 'Dayak' is not a relevant category of social identification for indigenous peoples in Kalimantan, rather it is a collective name for approximately 450 different ethnolinguistic groups dwelling in the interior of the island. But in the process, the term Dayak has been transformed into a strong political identity with a common interest of solidarity. The reason for this is the fact that the people realised that they shared the same fate as victims of the thirty years of exploitative national development policies, including encroachment on customary and '*adat*' forest by logging companies, the destruction of biological diversity and community-based systems of resource management by plantations and large-scale industrial timber estates; on top of it, they have to cope with the massive invasion of immigrants from the inner islands through transmigration projects and the exploitation of mineral resources.

Another tendency which is made glaringly obvious by the various violent conflicts as of late is the incapability of the state to contain conflicts which involve bigger and more determined masses of restive people. Armed forces sent to stop the war between the Dayak and Madurese communities in West Kalimantan have failed to perform their task effectively. Higher echelons in the government have also failed to rebuild trust and broker a peace treaty between the two parties. This ineffectiveness of the security forces has also become obvious during the last two years of unrest in Java. Without any doubt, these phenomena indicate the deepening frustration and distrust among wide circles of the population (in particular the Dayak community in West Kalimantan) toward the government and the armed forces.

In contrast, when commenting on these violent conflicts in various localities, the Government of Indonesia used to provide statements to the effect that these conflicts are only local and insignificant to the day-to-day running of the country.

Civilian and military officials released statements through the state-controlled mass media in which they insinuated that the conflicts in question were 'purposely blown up by' or 'part of the provocative scheme of' certain parties that were opposing development. Beside that, as made evident by the case of the mining exploration in Haruku Island, the indigenous peoples' protest has been answered by various types of direct intimidation by civilian and military officials. For relatively big cases, like in West Kali-

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Grafiti warfare: destroyed Madurese house with Dayak slogans reading 'No wonder Madurese are getting rich fast' (left) and 'Madurese equals Communist Party' (right). (Photo: Hilario Holsapple)

mantan, the government will probably dispatch a fact-finding team which will make conclusions that stand in outright contrast to statements previously released by higher military officers; these senior officers have in the wake of the riots conceded that serious problems existed that needed to be addressed. Such government reactions show the insensitivity of the government to the interest and rights of indigenous peoples in Indonesia.

Beside the various negative developments described above, the last two years have also seen several positive developments with a view to the indigenous peoples' struggle in Indonesia for recognition and enforcement of their rights.

First, there has been significant public awareness - especially in NGOs, among social scientists and, though not many, some journalists - of the problems faced by indigenous peoples. The term 'masyarakat adat' in Indonesian has been widely accepted and used in many official meetings or government conferences, especially relating to conservation and sustainable natural resource management issues. However, this does not mean that the government has fully accepted the concept of indigenous peoples in its political, cultural,

historic, economic and religious dimensions. For example, within the State Ministry of Environment, some higher officials have already accepted the term 'masyarakat adat', but it is translated into English as 'local communities' or 'traditional peoples'. For them, the term 'indigenous peoples' is reserved for oppressed and colonised communities like the aboriginal peoples in Australia and the Indians in America.

Secondly, there is growing respect for and recognition on the part of the international public of the outstanding contribution of indigenous peoples in Indonesia in conservation and sustainable natural resource management, as evidenced by the 1997 Goldman Award to the leader of the *Bentian Dayak* of East Kalimantan, L. B. Dingit. The award was presented for his years of struggle to preserve the rattan stands in their customary forest from invasion by an industrial timber estate.

Thirdly, local institutions and organisations based on indigenous peoples' communities in various localities in Indonesia with the capacity to accommodate and channel the aspirations and interests and thus empower the people have been strengthened and multiplied. Through these various institutions and organisations, many critical educational activities, as a basis for self-determination and defence against external interventions, have been developed and propelled action, as shown in the Haruku case.

West Papua

At present, nobody really knows how many indigenous peoples will be affected by the planned Memberamo Mega Project in West Papua (Indonesia's Irian Jaya province). Yet, the project, which has been initiated and is controlled by Indonesia's powerful Science and Technology Minister, B.J. Habibie, through his Technology Assessment and Implementation Body (Badan Pengkajian dan Penerapan Teknologi-BPPT), is now being carved out of the indigenous peoples' territories. A presentation for investors was held in early April, 1997. The megalomaniac scheme of the Memberamo Mega Project includes the construction of a 12,000 megawatt hydroelectric power plant to support methanol production (located in Natuna, Western Indonesia), metal, petrochemical, liquid gas industries, as well as oil exploitation, mining operations, forestry, and agricultural industries[1], in short the planned 'growth center' of Eastern Indonesia.

The mega-project has been planned without any concern for the local people. Even worse, their mere presence is being ignored.

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During the presentation, DR. Habibie stated that there are no humans in Memberamo Basin. The leader of BPPT's Memberamo Study Team, when asked by journalists, stated that the community has expressed their 'happiness' regarding the coming project - just the usual statement of the Government of Indonesia on such an issue.

There are reasons to believe that until now there has been no widely accepted survey and socio-economic research among the communities living in the affected region, not to speak of an effort to consult them and promote their participation. Actually, there exists hardly any information about the indigenous peoples in the Memberamo Basin. What little knowledge we have is that there are at least six distinct ethno-linguistic groups: the *Kawera, Namunaweja, Anggreso, Manau, Bauzi,* and *Dani*[2], with a total population of 10,000 people[3]. Other authors report a population of somewhat less than 50,000[4]. Virtually all of them are highly dependent on hunting, fishing and gathering of wild plants for a large part of their subsistence needs. Mythologically, those indigenous peoples regard the Memberamo River as 'womb-mother'. From the Melanesian indigenous point of view, all land in West Papua is owned by one or the other of the hundreds of indigenous peoples living throughout the island. There is no 'no man's land' in West Papua[5].

We are also still lacking basic data on the natural resources of the region. Covering some 1.7 million hectares (the river stretched 650 kilometers long), the Memberamo Basin is of extremely high biological importance, with unique swamp forests, the province's largest river and a full spectrum of ecosystem types with a rich, largely unidentified flora and fauna[6].

Drawing on experiences with the Government of Indonesia in planning and implementing mega projects, this Memberamo Mega Project should be confronted with great caution. Lessons should have been learned, for example, from the conflict between the *Amungme Komore* people against the Freeport Indonesia Company. This conflict, which began in 1971 and is still going on, was caused by the fact that the Erstberg Mountain is in fact the 'head of the mother' of the Amungme people. When the Amungme realised that their 'mother' was being destroyed and raped by Freeport's giant industrial machines, while they had for a long period of time been feeling that their indigenous rights had been violated by outsiders, they stood up and started to fight. A 'cultural war' has been going on ever since[7]. This is exactly what will happen in

Memberamo if the Government of Indonesia keeps on employing such an approach and paradigm for development: a paradigm that provides no space for community participation, and no understanding of and concern for the indigenous peoples.

What is badly needed now is an effort to propose an alternative vision for development in the region, one that does not involve razing and drowning vast tracts of virgin forest, displacing at least 10,000 traditional indigenous forest-dwellers and turning northern Irian Jaya into a giant oil palm estate and aluminum smeltering centre. A new paradigm of development is needed, one that implies: 1) the involvement of indigenous people in Memberamo from the very beginning of project planning; 2) the recognition of the customary rights of indigenous people as their assets or shares in the project; 3) a transparent process throughout the project; and 4) recognition and empowerment of indigenous institutions and local leadership to represent indigenous people's interests and needs in negotiations and bargaining with other parties (government, private companies, etc.).

Haruku Island, Central Mollucca

In early March, 1997, shocking news became public from a '*Negeri*' (best described as an indigenous autonomous unit, consisting of several hundred families occupying a certain territory) in Haruku Island, Central Mollucca. The news is about ongoing mining exploration activities by Aneka Tambang Inc., and Ingold Inc. The case is considered very serious because in 1985 the citizens of Haruku were given the most prestigeous award in Indonesia for environmental management, the Kalpataru Award. Employing the customary management system, law *(sasi)* and enforcement body, the members of the Negeri have proven their ability to conserve marine, land and riverine natural resources.

Since 1995 the peacefulness of Negeri Haruku has been stirred by a state-owned mining company, Aneka Tambang Inc., working jointly with a Canadian company, Ingold Inc. The mineral resources found have posed a threat to the small island's ecosystem. The island has two river systems. One of them, the Wai Ira River, which runs to the Learisa Kayeli River has turned into a mud flow because of erosion caused by the companies' drilling operations.

The ecological impacts and the sudden presence of mining companies, without prior consultation of the indigenous people who

own the land, have forced the Kewang Institutions to write a Letter of Concern to the Governor of Mollucca (dated 11 May, 1996). The local government then instructed the companies to close all holes and canals.

Although the companies have officially closed the drilling holes, their workers kept on drilling and digging new ones. Tons and tons of mineral 'samples' have been transported away from the island, without consultation of the communities. The Wai Ira River showed greater turbidity in the rainy season of late 1996. The indigenous people of Negeri Haruku then once again wrote an open letter asking for an explanation to the local parliament of Mollucca Province on 21 January, 1997, signed by 359 people. Unfortunately, the open letter has only led to more direct pressure, intimidation and violent threats from local civilian and military officials. This has been most clearly shown by the Sunday Morning Service incident, late January, 1997. It so happened that the local officials openly threatened the community in a Sunday Morning Service in the church, stating that writing such a letter is a method of the Indonesia Communist Party (PKI). Such an accusation is not to be taken lightly in the context of Indonesia. The accusation is oftenly used by civilian and military officials for intimidation purposes.

The situation is worsening for the indigenous people of Haruku because the acting Official Chief of Village, chosen by the District Head, has been completely against the community's position. The acting Chief of Village, supposedly acting as 'king' of the Customary Territory Negeri Haruku, has even taken an active part in the intimidation.

It has been known that, like other local officials, the responsibility of the Official Chief of Village is to implement and enforce national policies, in this case the Exploration Permit issued by the Directorate General for General Mining, the Department of Mining and Energy, Jakarta. The fact that the government has put in place a leader unacceptable to the people is evidence of the government's attempts to weaken the community and to initiate the disintegration of the society or the indigenous people's collectivity. Such strategies are part of the national policy to forge uniformity in the village administration structure throughout Indonesia, in order to control the society even in the most remote places.

Knowing that their political aspirations and interests have failed to be channeled through the local parliament, let alone accommo-

dated by the government, on 26 January, 1997, some members of the indigenous people expressed their opposition by taking out the project's marking poles and cutting electric cables stretched across their land. These actions were followed by writing a second letter to the provincial parliament demanding protection of their customary rights on the Negeri territory and for the parliament to accommodate the aspiration of the indigenous people and help them to prevent open conflict involving physical violence.

To the day of the writing of this report, the conflict between the indigenous people of Haruku and the government-owned-and - backed mining companies, with further support from local military units, is intensifying. And there are no signs whatsoever that the aspiration and interests of the indigenous people of Haruku will be accommodated within the existing political system.

Central Sulawesi

For the *Behoa* people living in Lore Lindu National Park in Central Sulawesi, the forest is of critical importance both to their subsistence economy and to their spiritual life.

But the inhabitants of Central Sulawesi, and especially the Behoa People, have become victims of the government's conservation programme, under which a conservation area was established without taking into account the rights of indigenous people to their customary land. The establishment and management of conservation areas is in principle similar to commercial forest concessions (HPH), which imply the transfer of ownership, management and control of the communities' customary land to the state. The National Park's zonation system does not take into account indigenous peoples' rights to the forests.

The consequence is that the Behoa people are now forbidden to enter the 'Pandulu' area (virgin/deep forest) and 'Kakau' area (secondary forest), which in their customary rights concept are part of their traditional land. This is the source of severe conflicts between the Behoa people and the government, in this case the management unit of the national park and security forces under the *Tim Pengamanan Hutan Terpadu* (Joint Team for Forest Security). The activity most opposed by Behoa people are arrests for 'trespassing', not taking into account that the forest products being harvested by the local people are for fulfilling basic economic needs and not for commercial purposes, like those exploited by urban based companies.

The situation of the Behoa people is getting worse with the threat posed from the development of the Palu-3 Lore Lindu hydro-power project, partly funded by the Asian Development Bank. Part of the project's site is in the area of Lore Lindu National Park. The hydro-power plant will drastically change the region ecologically and economically and will threaten the integrity of Behoan culture in future.

Faced with the threat of extinction of their culture, the Behoa people sent their indigenous chief, G. Samba'a, to meet the Governor of Central Sulawesi in May, 1994, to ask for redrawing of the Lore Lindu National Park boundaries. But this effort has so far had no result. The Behoa people entering their customary land within the Lore Lindu National Park are still punished as 'forest encroachers' and 'wood thiefs'.

West Kalimantan

Throughout 1996 and the first half of 1997 there was fresh evidence of just how fragile Indonesia's social and ethnic cohesion is. The riots that rocked Jakarta last 29 July had their origins in the government's attempt to wrestle leadership of the opposition PDI (Partai Demokrasi Indonesia) from Megawati Sukarnoputri, one of the most popular challengers to President Suharto. Against all evidence, the regime tried to lay the blame for the protests at the door of the pro-democracy movement which has become ever more active over the past years. The series of violent communal clashes that followed in October and late December, again in Java, had all the trappings of religious and ethnic trouble, pitting, as they did, Moslem mobs against the generally more wealthy Christian and Chinese minorities. Independent analysts, however, would either see the clashes as an expression of the growing despair on the part of the country's economically disadvantaged, or even presume them to be instigated by the military. By manufacturing religious clashes or portraying unrest as such, they argue, the regime hopes to drive a wedge into the inter-ethnic pro-democracy movement. Quite convincingly, NGO circles hold that by focusing attention on other factors - notably the danger of national dissolution - the government avoids addressing the underlying economic and political problems and tries to posit itself as the sole guarantor of national unity and ethnic peace.

However, the worst instance of communal unrest that Indonesia has witnessed so far outside the notoriously rebellious territories of

Aceh, East Timor and West Papua involved indigenous peoples. Following a brawl between Muslim and Dayak youth on 30 December, thousands of Dayak in the province of Kalimantan Barat rose in arms against the presence of the immigrant community from Madura, a small, infertile island on the eastern tip of Java. Although the *Madurese* make up but 2,5% of the province's total population of some four million, they are said to be involved disproportionately often in violent disputes and have acquired a reputation as hot-blooded troublemakers also outside of Kalimantan. Still, Dayak organisations caution that to reduce the conflict to ethnic terms, as the government has done, misses the point. More aptly put, they stress, ethnicity and tradition have recently emerged in a crucial role in the Dayak's ongoing resistance to economic and social marginalisation.

Disputes between the Dayak and Madurese date back to the 1960s when large numbers of Madurese were called in by the government for roadbuilding in the interior. This development led to the loss of much Dayak land, often for little or no compensation. The Madurese, being especially aggressive settlers, were among the most visible beneficiaries of the dispossession of the indigenous inhabitants of Kalimantan Barat, and they made enemies through what the Dayak consider their particular disrespect towards the local communities and culture.

The latest feuding eclipsed earlier skirmishes both in geographical scale and ferocity. The purpose of purging the province from Madurese habitation united maybe a dozen Dayak subtribes - among them *Kanayatn*, *Menyuke* and *Sekayan*, and *Ibanic* groups -, as no event during living memory had done. During eight weeks of bloodletting, an estimated 3,000 people died, of which the huge majority (2,000 to 2,600, according to different sources) were immigrants. Thousands of houses (official figures, as a rule too low, speak of 2,500) were destroyed, and as much as one fifth of the Madurese population fled their homes, probably never to return. As a result, the Dayak warriors confined Madurese settlement to between 30 and 50 km from the cities of Singkawang and Pontianak, as well as the coastline between them, in striking similarity to the events of exactly 30 years ago when a violent Dayak uprising had flushed the Chinese out of the interior.

Although the Indonesian army flew in 3,000 troops - among them elite batallions - as reinforcements, it was unable to do much more than defend itself and the terrified Madurese refugees who

had sought shelter at local army posts. Lacking anti-riot equipment and often panicking, military troops had their share in the slaughter when they massacred Dayak crowds on at least two occasions. For a fortnight in February, the roads in the interior were controlled by Dayak warriors armed with mandau (the traditional Dayak sword), spears, blowpipes and homemade shotguns, and warriors came down by the truckloads to attack Pontianak proper, the province capital. As of the second half of March, wide areas in the interior of Pontianak, Sanggau and probably also Sambas Districts remained in a latent state of war, in spite of grand peace ceremonies staged by the military.

The first wave of rioting had started when two Dayak youth were stabbed following an argument with Madurese youth in the town of Sanggau Ledo, some 150 km north of Pontianak, on 30 December. As the news spread, some 5,000 Dayak attacked Madurese houses in villages around that town, setting them on fire and killing an unknown number of men, women and children. During four days of violence, more than 6,000 people, mostly Madurese, were evacuated to the coastal city of Singkawang. A hastily-called agreement on 8 January, involving leaders from both communities, was supposed to restore peace to the area, and for a while it seemed as if the trouble had been successfully contained.

However, in the early hours of 29 January, hooded men attacked and all but burned down a catholic school and student dormitory in Siantan, a predominantly Madurese part of the city of Pontianak. Although the attack failed, the news of the raid spread quickly as the school was run by Pancur Kasih foundation, a symbol of Dayak cultural resurgence and economic emancipation. At about the same time, two Dayak employees of a city supermarket suffered stab wounds in an attack on their sleeping quarters. Madurese retaliation, however, reached its height when mobs erected checkpoints on the coastal road at Peniraman, some 32 kilometers from Pontianak, where they beat up or outrightly killed Dayak passengers. Thus, on 30 and 31 January, three Dayak men were hacked to death after being pulled out of buses and private vehicles, with others only surviving because they were protected by the driver or fellow passengers. In Pinyu, further up the coast, some Dayak houses went up in smoke.

When news of the deaths spread to the interior, thousands of Dayak mobilised for war. Since two of the three Peniraman casual-

ties and the injured saleswomen had been from districts that were so far not directly involved in the violence, the issue was no longer the private affair of a few subtribes somewhere in Sambas. Through the laws of blood vengeance, local communities within a radius of some 250 kilometers were drawn into the conflict, including, for the second time, Sambas, the epicentre of the first wave of violence. What made Dayak unity easier was the fact that by attacking Pancur Kasih, the catholic foundation, the Madurese had actually taken on a symbol of Dayak identity that transcended existing tribal divisions.

For mobilisation, the Dayak fell back on a traditional mechanism which involved the passing of a red bowl *(mangkuk merah)* along with a set of ritual accessories, signifying the resolution to enter war, from village to village. According to Dayak informants, this ritual device for forging intertribal alliances has been used over the centuries whenever the Dayak were facing a powerful external threat. The Dayak warriors were in the large majority young and middle-aged men from rural and partly even backwater areas who obeyed no central command, but were under the control of local-based war leaders *(panglima perang)* who seem to have been mostly traditional elders. The few city-based Dayak NGOs had no part whatsoever in what was going on. It seems that each village acted basically on its own in calling their spirit aides and conducting the necessary ritual preparations for war. The movement thus defies the theories soon circulated by the military that referred to a ploy by a few intellectual ringleaders with possibly secessionist aims.

Military reinforcements landed overnight on 5 February, whilst neighbouring Malaysia closed its border to Kalimantan for fear that the unrest would spill over and pit the warlike Bidayuh and Iban against Sarawak's own Madurese minority. Nevertheless, reports had it that numbers of Sarawak tribesmen joined the fighting at the side of the Kalimantan Dayak, bringing with them guns and war magic. Pontianak was cut off from the interior by military roadblocks and a night curfew imposed on the city. Accounts of the events that followed the Madurese reprisals at the end of January are confused since the authorities imposed a news blackout on the province. As the local hospitals filled with casualties inflicted by all sides - the military included -, access to them was denied and people were kept from travelling to the interior. Still, the rioting spread eastwards and soon involved dozens of mixed communities in Pon-

tianak and Sanggau districts. All sources unequivocally stress the fact that featuring prominently among the Dayak raiders were warriors from hinterland areas like the Kapuas Hulu district and the northern border regions of Sambas, Kab. Pontianak and Sanggau, notably places with no record of Madurese settlement.

During the first week of February alone, hundreds of Madurese were killed and their houses razed in attacks on villages near Salatiga, Mandor, Pahauman and Ngabang along the road to Sanggau, as well as in the hinterland stretching towards the border at Entikong. Thousands of Dayak patrolled the main roads, stopping vehicles and killing any Madurese passengers. Furthermore, in a tragic turn of events, several hundred Madurese civilians who had fled the interior during the first round of violence, were killed in Sambas and Sanggau Districts after the military had prematurely ordered them to return to their villages in the wake of the first peace accord. And for a while in mid-February, Dayak forces threatened an assault on the provincial capital itself with its large concentration of Madurese residents and refugees. According to some reports, Dayak war leaders pleaded with the military to be given 'seven hours' so they could 'solve the problem' in the city 'once and for all'.

The army's involvement at times bordered on full-scale war. As often encountered in frontier situations, indigenous peoples - in this case the Dayak - are credited with frightening magical powers that are strangely at odds with their social standing and political influence in frontier society. The Indonesian army proved to be particularly fertile ground for phantasmagories of Dayak war magic and barbarism. Terrified troops repeatedly opened fire on Dayak crowds to stop them from laying their hands on Madurese refugees. In one incident on 3 February, seventeen Dayak were shot dead or killed by land mines when they tried to break through an army roadblock at Sungay Pinyuh near Anjungan, 55 km north of Pontianak. The mostly adolescent Dayak attackers had set themselves on the march following rumours that a community leader arrested by the army had been abused or even died in custody in the Anjungan military camp. The scenario repeated itself in Sanggau Kapuas, where eight trucks full of Dayak demanded access to the local garrison, asking the soldiers to hand over the Madurese that were hiding there. Five Dayak died and some fifty were gravely injured when the troops opened fire at a checkpoint. A third massacre, so far unconfirmed, is reported to have taken place on 4 February, again at Anjungan,

when troops apparently foiled an attack on one of their roadblocks by shooting at the tires of two approaching trucks manned with Dayak youths, causing the trucks to turn over. Survivors were finished off with machine gun fire. It is said that at least a hundred Dayak died in this incident. It is surprising to note that these military killings seemingly did not provoke retaliation on the part of the Dayak of the scale and intensity that Madurese actions had done. Partly, the military strategy of suppressing information on casualties and isolating those injured in military hospitals seems to account for this; for the other part, however, Dayak leaders themselves - as happened in the case of the first Anjungan encounter - ruled out the necessity for revenge by declaring that the Dayak combatants had violated previous agreements by the elders with the local commanding officer.

The chronology of violence continues until 28 February when the last known attacks were carried out against Madurese settlements in Subah, Sambas, but local sources conceded that unreported violence might still have occurred as late as the second half of March and into April. Apart from several smaller events in the villages, the military staged three large and well-publicized peace ceremonies in Sanggau Ledo (8 January) and Pontianak (on 18 February and 15 March), during which they made hand-picked community representatives read solemn pledges to renounce violence and settle remaining differences peacefully. Yet most Dayak villagers, when queried, maintained that peace was unconceivable as long as any Madurese were remaining in the province. Furthermore, the prevailing sentiment in the villages was that the leaders, chosen by the military to represent the Dayak side in the peace accords, were illegitimate, as they were mainly city-based businesspeople with no following in the rural areas. And finally, few villages had as of the second half of March performed the prolonged rituals necessary to return the *kamakng* ancestor spirits (which are said to have participated in the violence with devastating results) to their abodes in the spirit realm. Given all the blood that was spilled, normality is not likely to return to the province in the near future. Nobody dares to predict what will happen once the national parliamentary elections (on 29 May, 1997) are over, an event that is usually preceeded by two months of tight security in the provinces. In the wake of the influx of some 15,000 Madurese refugees, the capital city of Pontianak itself has become a powderkeg, and the

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same holds for the Javanese cities of Jogyakarta and Jakarta, where hundreds of Dayak students could easily become the target of Madurese extremists.

Military and government authorities were quick to assert that the violence was motivated by a mixture of religious zelotry and material jealousy. Yet ominously, the Dayak raiders were careful not to touch mosques and *madrasahs* (Muslim schools) which, as religious symbols, are 'owned' by a variety of immigrant Muslim groups. If anything, religion was brought in as a factor by the Madurese side in their attack on a catholic school and dormitory at the end of January, and aborted attempts to raze mosques and have the Dayak take the blame for it. Material jealousy, on the other hand, can be discarded as a motif as the Madurese are sharing the bottom rung of the economic ladder with the Dayak. If material grudges were an issue, it would have made a lot more sense to attack the wealthier Chinese, Malay, Javanese or Buginese communities, whose lives and homes were spared throughout the riots. And yet there can be no doubt that economic, social and political marginalisation have played a crucial role in motivating the upheaval. The Madurese then would appear as some kind of surrogate victims who had to pay the price for pent-up Dayak frustrations over the inequities of the predatory economy and clientelist politics of this frontier province.

The Dayak have suffered enormous land loss from at least a century and a half of unrestrained resource exploitation, a process that has picked up speed over the last thirty years with the expansion of plantation agriculture. As a consequence, land for shifting cultivation, the Dayak's traditional mode of production, has become scarce. In many parts of the province swidden cycles had to be shortened to five years and soil fertility therefore has dramatically decreased. Huge stretches of land are infested with *alang-alang* (imperata grass) and as such are no longer suitable for traditional methods of cultivation. Unsurprisingly, there were (although peaceful) protests against plantation schemes all over the province in the 1980s and at least three more recent, violent ones between 1994 and 1996. What is more, the land problem of the Dayak has been aggravated during the past three decades by government-sponsored transmigration, an angle the authorities carefully avoid in their analysis of the recent riots. Transmigration is inextricably linked with the palm oil industry which has the biggest share in the

process of the dispossession of the Dayak, with transmigrants being given the land and the jobs. At present, Kalimantan Barat receives the third-biggest share of transmigrants of all Indonesian provinces, after Central Kalimantan and Irian Jaya. Sambas, with its long chronology of tensions between Madurese and Dayak, was in the 1970s the province's leading transmigration area; in 1980, 15 % of its total population were official transmigrants, compared with an average of only 3.4 % in other areas.

Transmigration thus contributed significantly to heightening land-related tensions in the province; it does not, however, explain why the bloodshed involved the Madurese, because they typically have come as spontaneous migrants, not as part of the official transmigration programme. Dayak sources insisted that there was occasional friction with other transmigrants, too, but that they were minor in comparison, owing to the less violent ways of these migrant groups. The Madurese in contrary were pictured as insidious land-grabbers who did not honour agreements and with whom even small arguments were bound to turn into a matter of life and death.

In addition to the awareness that their landbase is fast eroding and their livelihood threatened - albeit mostly by forces beyond their reach - the Dayak feel deeply frustrated about the fact that they are excluded from the province's political life and without access to employment in the civil service. As one observer remarked, even West Papua, subject to a virtual occupation regime, has more indigenous civil servants than West Kalimantan. In spite of a large reservoir of Dayak professionals and university graduates, all but one of the seven district heads *(bupati)* are presently outsiders, and except for an interlude of six years in the 1960s, the province has always had non-Dayak governors. Only rarely are Dayak admitted to administration jobs, and if so, never to high-ranking ones. But then again, high politics and even civil service are not the domain of the Madurese, either. If anything, it is their pronounced ethnic solidarity and the ability to engage in the communal pressure politics that flows from it which has earned them the reputation of being bent on 'taking over the province' and 'doing whatever they want to do'.

Therefore, what has actually spelled doom on the Madurese was that they have chosen a particularly aggressive way of competing in this frontier arena, involving the shedding of Dayak blood and thereby triggering off a feuding mechanism. Even the Dayak would not dispute that they have not solved their problems by 'cleansing'

the interior from Madurese settlements. The real culprits behind the large-scale dispossession of the local indigenous peoples are either too powerful or not visible enough to be taken on by means of a neo-traditional indigenous war. However, knowing the tenacity of clientelist habits and the stubborn refusal of political and business elites to mend their ways - here as elsewhere -, it must be doubted that the lesson has been learned.

Sources:

Bulletin JATS. No. 01/Thn I/1997. 'Eco Fascism' di Kawasan Konservasi:

antara Lore Lindu dan Morowali. Jaringan Advokasi Tanah Sulawesi.

Kompas, 3 April 1997. 'TPHT Sulteng Menyita Ratusan Balok Diduga dari Taman Lore Lindu'. Newspaper clip.

Notes:

1. 'Seminar Pengembangan DAS Memberamo, 7-8 April' in *Suara Pembaharuan Daily Newspaper*, 3 April 1997.
2. Studi Pengembangan Sumberdaya Pertanian Daerah Aliran Sungai Memberamo by Shafiq Prayitno. Direktorat Pengkajian Ilmu Kehidupan, Kedeputian Bidang Pengkajian Ilmu Dasar dan Terapan, Badan Pengkajian dan Penerapan Teknologi. Jakarta. 1995. 25 p.
3. 'BPPT dan Uncen Teliti Persiapan Megaproyek PLTA Memberamo Irja' in *Suara Pembangunan Daily Newspaper*, 24 October 1996.
4. 'Menguak Misteri di Seberang Giga Proyek Memberamo' by Karel Phil Erari in *Suara Pembaharuan Daily Newspaper*, 10 April 1997.
5. 'Menguak Misteri di Seberang Giga Proyek Memberamo' by Karel Phil Erari in *Suara Pembaharuan Daily Newspaper*, 10 April 1997.
6. Petocz, Ronald G. 1987. Konservasi dan Pembangunan di Irian Jaya: Strategi Pemanfaatan Sumber Daya Alam Secara Rasional translated by Slamet Soeseno from Conservation and Development in Irian Jaya, A Strategy for Rational Resource Utilisation by. Switzerland: WWF/IUCN, 398 p.
7. Most of this is cited from 'Menguak Misteri di Seberang Giga Proyek Memberamo' by Karel Phil Erari in *Suara Pembaharuan Daily Newspaper*, 10 April 1997. Account on Amungme Tribe-Freeport conflict is published on *The Indigenous World 1995-96*, IWGIA. Copenhagen. 1996. p 163-164. [viii] Cited from 'Membangun Bersama Masyarakat: Melalui Megaproyek Memberamo, Irian Jaya', a paper by DR. Benny Giay presented in Seminar and Workshop on the Development of Memberamo Basin: as one of Growth Center in Eastern Indonesia, 7-8 April 1997.

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EAST TIMOR

East Timor was invaded by its neighbour Indonesia on 7 December, 1975. Since then, at least 200,000 people, almost one-third of the population, have died as a result of war, starvation and disease. But Indonesia's annexation of the former Portuguese colony has never been recognised by the United Nations, and in East Timor itself there is still resistance against the Indonesian occupation.

An Australian Report

On 16 October, 1996, the East Timor Human Rights Centre based in Australia issued a report covering the first nine months of 1996. The report, which is titled *Continuing Human Rights Violations in East Timor*, opens with a quote from a visitor to the territory in 1996: 'East Timor is an occupied country. There is no rule of law, no court of appeal, no freedom. Power is in the hands of extra-judicial bodies who control life and liberty at will.'

The report focuses on seven separate areas where civil and political rights were violated during the period in question: 1) Large numbers of East Timorese are attempting to leave East Timor, either by boat to Australia or by seeking refuge in western embassies in Jakarta. 2) Extra-judicial executions have continued, some of which have not been investigated by Indonesian authorities. 3) There has been a high level of arbitrary arrests, particularly of young East Timorese, and systematic torture of those arrested. 4) Riots in Baucau, which are believed to have been provoked by an Indonesian soldier insulting the Catholic religion, resulted in the arrest of approximately 165 East Timorese, many injured and up to three East Timorese killed. 5) Unfair trials led to East Timorese being convicted to terms of imprisonment. 6) Unrest in prisons led to the death of one East Timorese and many others injured. 7) There is an atmosphere of fear with people being regularly subjected to intimidation, beatings, rape and other acts of repression by the Indonesian authorities.

The centre adds that the 1996 violations 'follow the numerous violations which occurred in 1995 which the US State Department described as one of the worst years for violations in East Timor'. The centre concludes that there was 'no improvement in 1996 and that serious and systematic abuses of fundamental rights continue'.

Amnesty International

Throughout the year, the human rights organisation Amnesty International based in Great Britain issued a large number of *Urgent Action* appeals on behalf of persons from East Timor. The subjects were: arbitrary arrest, fear for safety, fear of torture, health concern, legal concern, possible disappearance and possible prisoner of conscience.

Amnesty International also condemned the intimidation and threats of mob violence that forced the abandonment of the second Asia Pacific Conference on East Timor (APCET II) held in Kuala Lumpur, capital of Malaysia, in November, 1996.

'It is appalling that the authorities stood back as alleged members of the ruling coalition's youth wing forcefully broke up the conference in order to prevent the discussion of the human rights situation in East Timor,' Amnesty International said in a press release.

Suspicions that the Malaysian authorities had sanctioned the attack were strengthened by reports that police did not intervene until an hour after the protestors had stormed the conference room. The Malaysian Government had earlier made clear its opposition to APCET on the grounds that it might damage Malaysian-Indonesian relations, but the conference organisers said the meeting constituted a legal gathering because it was by invitation only and not held in public.

In 1994 Indonesia tried - but failed - to stop the first Asia Pacific Conference on East Timor (APCET I) held in Manila, capital of the Philippines.

A Trial in Britain

In July, 1996, four British women were acquitted of plotting to damage a Hawk jet fighter bound for Indonesia. Although all four admitted involvement in the case, a Liverpool jury found them not guilty of causing damage to the plane.

On 29 January, 1996, Lotta Kronlid, Andrea Needham and Jo Wilson cut through the fence around a British Aerospace aircraft plant in northern England. After videotaping themselves damaging the plane's fuselage and high tech electronics with hammers they draped banners over the wrecked jet, left a videotape in the cockpit and called the police, singing peace songs while they waited. A fourth activist, Angie Zelter, announced her intention of continuing the action and was also arrested.

During the six-day trial in July, 1996, the women said they were disarming the Hawk, not vandalising it, claiming the action was justified because the plane was going to be used against the civilians of East Timor.

The jury took just five hours to reach its verdict of not guilty, which Jo Wilson called a 'victory for justice' and a 'victory for the people of East Timor.' Angie Zelter added, 'We think we have a very good case to prove that British Aerospace is aiding and abetting murder' in East Timor.

A Canadian Film

On 1 December, 1996, a documentary film about East Timor had its premiere in Canada: *Bitter Paradise: The Sell-out of East Timor*, written and directed by the Canadian photographer Elaine Brière who is also a co-founder of the Canadian solidarity committee, East Timor Alert Network.

The film covers many aspects of the conflict. We hear about the past and the present: what is the reason for Indonesia's invasion of 1975? And what is the current situation more than twenty years later? We also get the local and the global perspective: what is happening in East Timor? And how is the rest of the world responding to the conflict?

Elaine Brière is a Canadian. Therefore it is only natural that she should focus on this country: what is the nature of Canada's relations with Indonesia? And what is Canada's role in the East Timor conflict? These questions are highly relevant.

Canada is known as a peace-loving nation which often contributes to United Nations peace-keeping operations around the world. But this is not the whole truth. *Bitter Paradise* demonstrates that Canada has close political and economic ties with Indonesia in spite of an international human rights campaign to force Indonesia to withdraw its troops from the former Portuguese territory.

Elaine Brière says her film has three aims: first, it is the story of 'one people's struggle for survival in a world dominated by the search for raw materials and new markets'. Secondly, it is the story of 'Canada's shameless, ongoing support for a predatory military regime'. Finally, it is the story of her 'personal political journey from the villages of East Timor to the halls of the United Nations, from political innocence to political activism'.

The Nobel Peace Prize

On 11 October 1996 the Norwegian Nobel Committee announced its decision to award the Nobel Peace Prize for 1996 to Carlos Filipe Ximenes Belo and José Ramos-Horta 'for their work towards a just and peaceful solution to the conflict in East Timor'.

Belo has been the Catholic bishop of East Timor since 1983. He is one of the few persons who can openly criticise the Indonesians without being jailed or killed for doing so. But he knows he must be careful, and therefore he always talks about humanitarian and not political problems.

Ramos-Horta has been a spokesman for the East Timorese resistance movement in exile since the invasion of 7 December, 1975. He has been working within the United Nations system, taking part in conferences and meetings all over the world, and writing books and articles about the conflict.

Indonesia's response to the decision of the Nobel Committee was divided into two: on the one hand, Indonesia talks to Belo and congratulated him officially on being awarded the prize. On the other hand, Indonesia hardly ever talks to Ramos-Horta and stated that he was unworthy of the prize.

Both Nobel Laureates came to Oslo to receive the award on 10 December, 1996. In his official presentation, Francis Sejersted, Chairman of the Norwegian Nobel Committee, said:

> The Conflict in East Timor has been called "the forgotten conflict". It has not, however, been completely forgotten, having figured on the international agenda, with varying degrees of prominence, throughout those twenty [one] years. But it has so to speak never caught on. There have been so many other interests and regards to attend to, and East Timor is so small.
>
> Rarely has the cynicism of world politics been more clearly demonstrated. The numerous considerations of "Realpolitik" have enabled an exceptionally brutal form of neocolonialism to take place. Of a population of between six and seven hundred thousand, nearly two hundred thousand have died as the direct or indirect result of the Indonesian occupation. And the violations are still taking place today.
>
> Many are the countries which have given higher priority to their "Realpolitical" cooperation with Indonesia than to regard for East Timor. This is the apparently hopeless situation in which our two Laureates have so untiringly striven for a just and peaceful arrangement for their people.

The Peace Process

In his official speech, Bishop Belo focused on the peace process:

> Let it be stated clearly that to make peace a reality, we must be flexible as well as wise. We must truly recognise our own faults and move to change ourselves in the interest of making peace. I am no exception to this rule! Let us banish anger and hostility, vengeance and other dark emotions, and transform ourselves into humble instruments of peace.
>
> People in East Timor are not uncompromising. They are not unwilling to forgive and overcome their bitterness. On the contrary, they yearn for peace, peace within their community and peace in their region. They wish to build bridges with their Indonesian brothers and sisters to find ways of creating harmony and tolerance.
>
> Mutual respect is the basis of compromise. Let us start by making a sincere effort to change the very serious human rights situation in East Timor. The Church has played its part. We have formed a Justice and Peace Commission that is always ready to cooperate with the authorities to address problems.
>
> Independent human rights officials have repeatedly visited East Timor and have recommended what needs to be done. As a first step, the release of East Timor political prisoners has to be given urgent attention, in accordance with the section on Humanitarianism in the Panca Sila, The Five Principles of Indonesia's State Ideology. Such a step would help create an important opening on the road to peace.

Imprisoned in Jakarta

In his official speech Ramos-Horta mentioned the leader of the East Timorese resistance movement, who was captured by Indonesian soldiers in November 1992 and is now imprisoned in Jakarta:

> This speech belongs to someone else who should be here today. He is an outstanding man of courage, tolerance and statesmanship. Yet, this man is in prison for no crime other than his ideas and vision of peace, freedom and dignity of his people.
>
> Xanana Gusmao, leader of the people of East Timor, remains *incommunicado* in a prison thousands of miles away from his country. His trial in 1993 was universally condemned as a charade and was no more valid than the Dutch imprisonment and trial of the late President Sukarno, founding father of the Indonesian Republic.
>
> I bow to Xanana and through him to my good friends Nino Konis Santana, David Alex, Tahur Matan, Ruak, Fernando Araujo and all

East Timorese prisoners of conscience in jails in East Timor and Indonesia, to the thousands of victims of torture, widows and orphans. I bow to the memory of Salabae and the thousands of dead.

Through Xanana, I bow to my people with profound respect, loyalty and humility because they are the martyrs, the real heroes and peace-makers.

Three Separate Phases

Ramos-Horta took the opportunity to restate his Peace Plan of April 1992 which is divided into three separate phases:

Phase One - Humanitarian phase: This phase, which should take up to two years to be fully implemented, would involve all three parties [East Timor, Indonesia and Portugal] working with the United Nations to implement a wide range of 'confidence building measures', (CBMs) but would not deal with the core of the problem which is the issue of self-determination.

These CBMs must include release of all prisoners, end of torture and summary executions and a drastic reduction in Indonesian troop presence in the territory.

These are some of the ideas which I believe could be implemented immediately without loss of face for Indonesia. Its international standing would improve significantly and its presence in the territory would be less resented, thus relieving a very tense situation...

Phase Two - Autonomy, 5 years: Phase two, lasting between five to ten years, would be a period of genuine political autonomy based on ample powers vested in a local, democratically elected Territorial People's Assembly.

At the end of the second phase, the autonomous status of the territory could be extended by mutual accord.

The East Timorese people, having enjoyed a period of peace and freedom without the presence of the most hated symbol of the occupation, the army, might accept to continue this form of association.

Conversely, the changing generation, attitudes and perception in Indonesia might result in Indonesia accepting as natural that East Timor becomes independent.

Phase Three - Self-determination: If all parties agree that Phase Three should enter into effect immediately, then the United Nations begins to prepare a referendum on self-determination to determine the final status of the territory.

The International Community

Next, Ramos-Horta talked about the role of the international community:

> We are as determined as we are optimistic about our future. To Indonesia and our other neighbours in the ASEAN we are offering a hand of friendship and appealing to them to help us bring peace and freedom to East Timor.
>
> The European Union, working with the United States, Canada, Australia, New Zealand, Japan and Indonesia's partners in ASEAN, can accelerate the ongoing dialogue under the auspices of the UN secretary-general and give it some impetus and real substance.
>
> The U.S. Administration is the only major power that has adopted some concrete measures to encourage changes in Indonesia and East Timor. I express here our sincere appreciation to President Clinton for his actions on East Timor and I appeal to him to lend his youthful energy and compassion towards a permanent resolution of the conflict which he once described as "unconscionable".

Finally, Ramos-Horta commented on the western democracies and their role in international arms sales:

> We are not asking that Indonesia be punished with comprehensive economic sanctions. We believe that economic engagement with a country can at times foster positive changes through the development of a democratically conscious class.
>
> However, we find it repulsive that the Western countries that more loudly make rhetorical speeches about human rights are the ones that manufacture most weapons that have killed more than 20 million people in the developing world since World War II.
>
> Land mines, torture equipment, cluster bombs and chemical weapons are weapons designed to inflict pain and death on human beings. Most victims are civilians, women and children. How can arms manufacturers, weapons designers, plant managers and politicians, who have families of their own whom they love, be so insensitive when it comes to the suffering of other human beings?

A Big Surprise?

The decision of the Norwegian Nobel Committee came as a big surprise for many. However, during recent years there were several signs that the case of East Timor was under serious consideration: Bishop Belo was nominated for the prize in 1994 and 1995. In 1993

the Norwegian Rafto Prize for Human Rights was awarded to the people of East Timor, and Ramos-Horta travelled to Bergen to receive it on behalf of his people. Thorolf Rafto's Prize was established in 1987. In 1990 it was awarded to the Burmese politician Aung San Suu Kyi, who won the Nobel Peace Prize the following year.

In 1995 a part of the so-called alternative Nobel Peace Prize, the Right Livelihood Award, was given to Carmel Budiardjo for 'holding the Indonesian Government accountable for its actions and upholding the universality of fundamental human rights'. Carmel Budiardjo spent three years in detention without trial as a suspected communist in Indonesia. After her release in 1971 she returned to London. For more than twenty years she has been the editor of the newsletter *Tapol Bulletin*, published by the Indonesia Human Rights Campaign. In 1996 she published a book about her experiences in Indonesia: *Surviving Indonesia's Gulag*.

The Nobel Peace Prize is an important moral support to East Timorese living under Indonesian occupation; to East Timorese living in exile; to the Government of Portugal which is trying to ensure a peaceful decolonisation; and to the numerous activists all over the world who tried for ears to talk about East Timor while most mass media and politicians refused to listen.
The Prize means renewed international attention to the conflict and an increased legitimacy for the case. It makes it harder to dismiss the demands of East Timor as a hopeless dream. But the Indonesian government did not give any immediate concessions, and at the beginning of 1997 it seemed that there was still a long way to a just and lasting peace in East Timor.

Sources:

Books and reports
Carmel Budiardjo 1996. *Surviving Indonesia's Gulag: A Western woman tells her story*. London: Cassell.

East Timor Human Rights Centre 1996. *Continuing Human Rights Violations in East Timor*. Fitzroy, Australia: ETHRC.

José Ramos-Horta 1996. *Towards a Peaceful Solution in East Timor*. Sydney: East Timor Relief Association.

Rebecca Winters & Brian Kelly 1996: *Children of the Resistance: The current situation in East Timor as seen through the eyes of two Australian tourists*. Darwin: Australians for a Free East Timor.

Articles

Rizal Mallarangeng & R. William Liddle February 1996. 'Indonesia in 1995: The Struggle for Power and Policy,' *Asian Survey*.

Stephen Sherlock September 1996. 'Political Economy of the East Timor conflict,' *Asian Survey*.

Lars S. Vikør December 1996. 'The Nobel Peace Prize 1996 and Its Implications,' *NIAS nytt, Nordic Institute of Asian Studies*, No. 4.

Special Journals

East Timor: It's time to talk, British Coalition on East Timor, PO Box 2349, London E1 3HX, United Kingdom.

The East Timor Estafeta, East Timor Action Network, PO Box 1182, White Plains, NY 10602, USA.

Tapol Bulletin, Indonesia Human Rights Campaign, 111 Northwood Road, Thornton Heath, Surrey CR7 8HW, United Kingdom.

Timor Link, Catholic Institute for International Relations, Unit 3, Canonbury Yard, 190A New North Road, London N1 7BJ, United Kingdom.

Documentary films

In Cold Blood: The Massacre of East Timor, by Max Stahl (pseudonym), Yorkshire Television, UK, 1992, 50 minutes.

Death of a Nation: The Timor Conspiracy, by John Pilger, Central Independent Television, UK, 1994, 70 minutes.

Bitter Paradise: The Sell-out of East Timor, by Elaine Brière, Snapshot Productions, Canada, 1996, 57 minutes.

Nobel peace prize speeches

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Errata

In the very last paragraph of page 189 in last years *The Indigenous World 1995-96* reference is made to the National Socialist Council of Nagaland, followed by an acronym (NPMHR). The acronym should rightly be NSCN. We apologise for any inconveniences this mistake may have caused, and want to stress that the NPMHR - which stands for Naga Peoples' Movement for Human Rights - has no relation whatsoever with the aforementioned Council.

1. Van Gujjar and Jaunsari

2. Jenu Kuruba, Betta Kuruba, Hakki-Pikki, Soliga, Yerava

3. Jumma

SOUTH ASIA

INDIA

The Scheduled Areas and Panchayat Raj

Article 40 of the Constitution of India states that the State shall take steps to organise village *Panchayats* and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. After a long wait of 42 years, the Constitution was amended through the 73rd and 74th Amendments regarding panchayats and municipalities respectively. These amendments had the clear injunction to exclude the V and VI Schedule Areas (constituted under Article 244(1) and (2) of the Constitution) besides the states of Nagaland, Meghalaya and Mizoram, the Hill areas of Manipur and the Gorkha Hill Council Area for which the Parliament was to make separate enactments. The V Schedule Areas are those tribal majority areas notified by the President in 1950 in the states of Andhra Pradesh, Orissa, Bihar, Maharashtra, Madhya Pradesh, Rajasthan, Gujarat and Himachal Pradesh. The VI Schedule Areas include the North Cachar Hills district and Karbi Anglong district of Assam, the Khasi, Jaintia and Garo Hill districts of Meghalaya, the Tripura Tribal Areas district and the Chakma, Mara and Lai districts, all in the North-East. The schedulings are ostensibly for better governance of tribal areas. But the Parliament failed to enact suitable laws for the areas left out in the 73rd and 74th amendments.

In November, 1993, the National Front for Tribal Self-Rule was initiated by Bharat Jan Andolan (Indian Peoples' Movement) - a coalition of struggle-based movements, mostly *Adivasi* movements, with the slogan of self-rule at the village level. Under pressure from the National Front, a 22 member committee was constituted on 10 January, 1994, by the government of which 16 were Adivasi Members of Parliament (MPs) belonging to various political parties headed by Dilip Singh Bhuria, an Adivasi MP from Madhya Pradesh - the state with the largest tribal population. The Committee was assigned the task of recommending guidelines for the law

regarding Panchayat Raj (73rd Amendment) for the V Schedule Areas taking into consideration various specific provisions in the Constitution. The Committee (popularly known as Bhuria Committee) submitted their recommendations on 17 January 1995. The recommendations themselves fall short of the aspirations of the struggling Adivasis. Still, the Parliament refused to follow up on the recommendations.

Pressing for the enactment of legislation in Parliament on the lines of the Bhuria Committee Recommendations before 15 August, 1995, with the structure in place before 2 October, the National Front called for the beginning of a civil disobedience movement in tribal areas of the country and for the declaration of self-rule. Widespread rallies and protests were organised to take the issue further. Meanwhile, many states, in violation of the Constitution, announced the holding (and in some states held) of Panchayat elections in the V Schedule areas of the respective states. Elections were stayed in the states of Andhra Pradesh and Bihar by the High Courts. An indefinite fast by thirty Adivasi leaders of the National Front commenced in February, 1996, at the capital, New Delhi, and on the 13th day of the fast the then Prime Minister, Narasimha Rao, sent an emissary promising immediate consideration of the demands. However, nothing happened and the country was due for parliamentary elections in June 1996. A number of political parties banded together to form the United Front and incorporated the promise to enact legislation on the lines of the Bhuria Committee recommendations in their Common Minimum Programme.

Towards Self-Rule: Legislating Local Self-Governance

The National Front did not wait for the government to draft the law but instead prepared a draft and submitted it to the government for consideration. The government continued its slumber. In September about fifty Adivasi leaders came to New Delhi and met the tribal members of Parliament and the Central Ministers. They were given assurances that a bill would soon be tabled. The National Front called for a political blockade of all government officials who would be declared persons non grata and not allowed to enter tribal areas from November 1996. The Bill No. LVI of 1996 named 'The Provisions of the Panchayats (Extension to the Scheduled Areas) Bill' was introduced in the Rajya Sabha (the lower house), passed on 13 December was adopted in the Lok Sabha on 19 December.

With the President of India signing the Bill on 24 December, it became law.

The Bill accepts two important premises viz. (i) the community is the basic building block of the system and (ii) a formal system can be built on the firm foundation of the tradition and customs of Adivasis. The community, comprising of all persons in a habitation or a group of habitation and managing its affairs in accordance with traditions and customs, assumes the status of *Gram Sabha*. The Gram Sabha is endowed with the necessary powers to safeguard and preserve the traditions and customs of the people, cultural identity, community resources and the customary mode of conflict resolution.

The administrative arrangement at the district level is to follow the pattern of the provisions under the VI Schedule of the Constitution as in the North-East. The Assemblies of the eight States having Scheduled Areas have now to enact legislation incorporating the provisions of this Act within one year, i.e. by 24 December 1997.

The Bill makes a significant departure by recognising 'community' and conferring specific powers giving legitimacy to participatory democracy. This law can turn the tide of injustice and colonisation. The current Bill unfortunately neglects many important recommendations of the Bhuria Committee, yet a beginning has been made. The Bill is not applicable to Adivasi areas that are not notified as Scheduled Areas. The states of Kerala, Tamilnadu, Karnataka and West Bengal have not scheduled any Adivasi areas. Many Adivasi habitations in the 8 states where large areas are scheduled remain unscheduled. The National Front has now demanded the scheduling of all tribal areas and called upon the Adivasi peoples to declare their villages 'Village Republics' on 26 January, 1997, which was carried out ceremonially in thousands of villages. The passing of the Act is a shot in the arm increasing the determination of Adivasi movements to further intensify their struggles.

Uttar Pradesh

Momentous Year for the Van Gujjar Indigenous People

The Van Gujjars indigenous people live in the forests of the low altitude Siwalik range of mountains during the winter months and in the Himalayan highland pastures during the summer. Their transhumance is a result of their being pastoralists who tend buffaloes. This has been their means of survival for hundreds of years. In the

forests these buffaloes forage on lopped fodder leaves and in the high land pastures on the rich succulent grass.

Their indigenous lifestyle and worse still their very existence were severely threatened when the government of the state of Uttar Pradesh declared its intentions to convert the 820 square kilometres of the forests which have been their homeland into a national park. This conversion would by necessity have to be under the provisions of the Wild Life Act of the country which does not permit any human presence in such a park. In its haste to make the Van Gujjars vacate these forests, the forest department blissfully ignored the fact that India is signatory to the Rio Declaration on Environment and Development wherein the states must recognise and duly support indigenous identity, culture and interests, and enable their effective participation in the achievement of sustainable development.

The Rural Litigation and Entitlement Kendra (RLEK) intervened on their behalf and in a very participatory exercise between it and the community, India's first Community Forest Management Plan for Protected Areas (CFMPA) was developed wherein the Van Gujjars demand that the management of the proposed Rajaji National Park be handed over to them to make it the first People's Park. This draft of the plan was discussed, analysed, modified and approved by a panel comprised of forty-two experts in the fields of forestry, the environment, social science, anthropology, law, social activism, etc. Most importantly, heads of peripheral villages and Van Gujjar leaders interacted with these experts during this three-day workshop. Mr. P.N. Bhagwati, former Chief Justice of India and present Vice-Chairman of the United Nations Human Rights Commission wrote the preface to the plan which was given wide coverage by print media agencies. This fact was taken up in the Rajya Sabha (the upper house of Parliament) and the government is on record for assuring the House that it was in the process of changing the Forest and Wild Life Acts to give forest dwelling communities more say in the management and protection of forests.

The objectives of the CFMPA are to protect the ecosystem of the Siwaliks, conserve biodiversity and protect and support endangered species; to protect and support the traditional rights of the Van Gujjars so that they can permanently live in the protected area in an environmentally and economically sustainable manner; to protect and support the traditional rights of villagers living in border areas

Van Gujar forest guards now use wireless communication for effective protection of their forests (Uttar Pradesh, India). (Photo: RLEK)

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to use minor forest resources within the protected area in an environmentally sustainable manner; to increase the documented knowledge base about the Siwalik ecosystem through a partnership between the local peoples and external scientists and researchers; and to ensure and promote ecologically and culturally responsible tourism and education under the supervision of the community forest management structure.

It is a fact acknowledged even by the forest department that the Van Gujjars' knowledge of silviculture is even better than theirs. However, what they lack are administrative and management skills. To this end RLEK formulated a training module for them which would include the topics: Why Conservation?, Life Support System and Environmental Security, Fundamentals of Policy and Law, Need for a Change, Community Forest Management in Protected Areas, The Van Gujjar Forest Guard, Micro-planning Activity, Wireless Communication and Team Building.

One hundred and fifty Van Gujjar forest guards are being trained for an initial pilot area both within and beyond the proposed park boundaries. These forest guards are being trained in a broad range of activities including patrolling patterns, reporting procedure of illegal activities and violations, guards and community members, forest protection during summers and, most importantly, wireless communication.

Communication has always been a great problem in the management of forest areas and thus natural calamities like floods, forest fires, epidemics, etc. are not reported in time so that relief measures may be effective. Similarly, the reporting of health emergencies, tree smuggling, poaching, etc. are also not reported. To this end, RLEK sought for and was granted two commercial radio frequencies (spots 167.525 and 167.725 MHz) by the Ministry of Telecommunication, Government of India. Each Van Gujjar forest guard is thus being trained in wireless communication and given a wireless set.

For the Van Gujjar indigenous people who only a short while back were facing severe threats of expulsion from their forests, the year 1996-97 has indeed been a momentous one.

The Indigenous Kolta Community of Jaunsaris

The Kolta indigenous people are the original inhabitants of the hill region of Jaunsar Bhabar in northern Uttar Pradesh (UP). They are a peace loving people who were easily subjugated by the later

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arriving landlords from the plains. Their exploitation was to such an extent that 19,000 of them were forced into bondage which in many cases included the wives and the children of these bonded labourers. Before the Abolition of Bonded Labour Act, 1976, came into being, Rural Litigation and Entitlement Kendra (RLEK) interceded on their behalf and moved the courts of law to put an end to their slavery. The government of UP was entrusted with the task of rehabilitating them and obtaining their rights and entitlements for them.

However, its agencies showed a complete lack of will and commitment and this indigenous people remained destitute. Further compounding their misery and crushing whatever little self esteem they still retained was the fact that instead of being granted the status of a Scheduled Tribe, they were deemed to be a Scheduled Caste.

With the advent of the 73rd Constitutional Amendment pertaining to panchayat raj (local self governance) wherein a minimum of 33.33 per cent of all seats have been reserved for women and proportionate seats for Scheduled Tribes/Scheduled Casts and Dalits, their hopes of becoming controllers of their own destiny were raised. However, for one reason or another, elections to the panchayats were continually deferred by the government of Uttar Pradesh. This was also the case in other states such as Himachal Pradesh, Tamil Nadu, Orissa and Bihar.

These states have a large tribal and indigenous population. RLEK took this matter up with the Supreme Court of India under a public interest writ petition on the grounds that the continuation of the old panchayats beyond their stipulated tenure of five years was in violation of the constitution and, further, it deprived women, SC/ST and Dalits, for whom seats have been reserved, of their rightful place in government. Such was the reluctance of the state governments to permit the devolution of power to the grassroots that in the case of Orissa the legislative assembly itself passed a unanimous decision to not hold elections. In Bihar, elections were last held eighteen years ago and the old order had made their panchayats their personal fiefdom. The Supreme Court examined the petition and issued orders to hold elections forthwith. All the states have since held elections to the panchayats and Bihar has recently been ordered to dissolve the old panchayats and to hold new elections.

This has enabled a number of *Jaunsari* women and men to take their place in the governance of their panchayat. In the two Jaunsar

blocks of Chakrata and Kalsi, two Jaunsari women have become the block chairpersons and a large number of them have become village 'pradhans'. RLEK trains these elected persons in the functioning of panchayat raj, and a large number of them have become village pradhans. RLEK further educated them in the functioning of panchayat raj institutions and their authority, duties and responsibilities in them. A large number of economic development and social justice programmes have been transferred to the panchayats under the new Act. Thus, after hundreds of years the indigenous community of the Jaunsaris are becoming masters of their own destiny.

The Government of India has recently passed the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996[1]. These scheduled areas have almost a one hundred per cent population of tribal and indigenous people. One hundred per cent of the seats for chairpersons in these territories have been reserved for the Scheduled Tribes at all levels in the three-tier system of panchayats.

Maharashtra

The tribal people, numbering 7,318 million, according to the 1991 Census, constitute 9.27% of the state's total population and 10.80% of the country's tribal population, surpassed only by Madhya Pradesh. There are forty-seven tribes in Maharashtra of which seventeen are numerically and ethnographically important. The principal scheduled tribes are the Bhils, Gonds, Mahadeo Kolis, Warlis, Koknas, Korkus, Malhar Kolis, Gamits, Thakars, Dhor Kolis, Pardhis, Andhs, Pradhans and Dhankas, while the Katkaris, Kolams and Madia Gonds are also classified as 'primitive tribes'.

Maharashtra has the distinction of being a state where extremes co-exist. While the state boasts of being the most advanced industrialised state in the country, the poverty of the tribals in Maharashtra is abysmal. A state claiming one of the highest standards of living in the country has to contend with thousands of deaths due to starvation and malnutrition. While recalling a rich history of social reform, the exploitation of tribals in the region was bad enough for the Symington Commission to call it a blot on the administration[1]. The state which boasts of the success of its land reform also carries the stigma of extreme tribal land alienation. The vast chasm which separates the tribals from the rest of the population of Maharashtra warrants very serious examination. There appears to be a direct co-relation between intensification of tribal land alienation, restric-

tion of access to land-based survival resources, loss of habitat and survival resources due to displacement, rapidly growing tribal impoverishment and the general economic advancement of the state[2]. The complex nexus between these four parameters which define the tribal situation raises grave concerns about the very survival of the tribals in Maharashtra.

A problem that distorts analysis of the situation and is a cause for alarm is the 'rapid' growth of the tribal population in the past two decades. The 1971 census reported the Scheduled Tribe (ST) population at 2.95 million accounting for 5.85% of the 50.41 million persons in the state, but the 81 census reported 5.77 million STs representing 9.2% out of 62.78 million inhabitants. Notwithstanding starvation deaths and infant mortality, the tribals had inexplicably increased by 96%. In the next decade the population shot up to 7.31 million or 9.27% of 78.92 million in 1991. This steep increase by more than 195% between 1971-81 and 27% between 1981-91, and in real terms by 148% in the two decades since 1971 is mainly due to the questionable inclusion, for political gains, of a number of economically advanced groups among the backwards in the list of STs. The increase in numbers, while it distorts the demographic picture, has more disastrous effects. The real tribals are irretrievably pushed down in the 'access or claim ladder'. Without going into the debate whether reservation policies and the development programmes adopted by the state have resulted in real development of the tribals or not, the inclusion of the hitherto 'non-tribal groups' depresses the impoverished tribals further and inevitably pushes them out of the development process altogether. Resources allocated for tribal development are spread more thinly, but, more significantly, the new entrants, otherwise relatively more economically advanced, corner the lion's share of both resources and opportunities for education and social and economic advancement and other welfare measures. The new section also appropriates lands belonging to the depressed tribal groups, but these land transfers are 'legal' as they are considered intra-tribal. The depressed tribal groups, alienated from development resources, are condemned not only to stagnate at starvation levels but are also losing access to survival resources at a very rapid rate.

A major issue is tribal land alienation, a pivot of tribal life. Traditionally, individual rights of enjoyment of land-based resources were embedded in communal systems of access and management of

resources. The loss of land is the basis for alienation as the individual or community are uprooted from the concrete articulation of their consciousness and are progressively pushed into anomie. It is related to role dissonance in economic, socio-political and cultural milieux[3]. The land reform has been dismal as land laws were rooted in the matrix of the colonial land practice which placed the tribal landless and the landlord on the same legal footing, legal presumptions and procedures, also of colonial origin, and negated the intention of land reforms. Distortions introduced by the colonial government were accepted as the crucial elements of the legal framework for implementation of policies and programmes in the tribal areas. Paper laws of the colonial dispensation were prioritised over the laws by which people lived. An alarming indicator is the 1971 census data, which reports that the number of tribal cultivators fell by 22.65% from 725,000 in 1961 to 561,000 in 1971, precisely when the implementation of land reform was at its peak. Where tribals gained possession of their lands under the law,[4] alienation of lands continued apace either through illegal entries into registers or permission given by Collectors for land transfers to non- tribals[5]. Today, almost all tribals are small peasants possessing uneconomic holdings or cultivators cum tenants cum labourers. They practice the most 'primitive' yet ecologically friendly technology. They are heavily indebted and are alienated from the land which they have been ploughing for generations. Even when attempts have been made to provide the tribals with land, in many cases the land passes into the hands of non-tribals in spite of legal prohibition against such transfers. Advantage is taken of the honesty of the simple and innocent nature of the tribals by unscrupulous elements in society[6]. By implication, the tribals constitute the poorest section of society with a significant proportion below poverty level. High infant mortality, pervasive malnutrition of women and children and starvation deaths of children - indicators of poverty levels in the community - are fairly widespread and an annual feature, though the enormity of this human catastrophe has become public knowledge only recently. The incidence of starvation deaths, however, are not confined only to the inaccessible and backward areas of the state but occur with regularity even in Thane district which is immediately adjacent to the state capital and the financial and industrial center of Bombay.

Perhaps the greatest threat to tribal civilisation is the post-1947 path of nation-building. Notwithstanding Nehru's lofty principles of

Panchsheel, the onward march of independent India has pushed the tribal people to the brink of survival. Building the nation as an economic and industrialised giant has broken the backs of the tribals. The state has been the single largest agency of tribal land alienation in the post-independence era. Mines, industrial estates, hydro projects, urban centres and planned population transfers bear the mark of internal colonisation. The call for a socially homogeneous country, particularly in the hindi-hindu-hindustani paradigm have suppressed tribal languages, defiled cultures and destroyed civilisations. The creation of a unified albeit centralised polity and the extension of the formal systems of governance have emasculated the self-governing institutions of the tribals and with it their internal cohesiveness. The creation of administrative regions has not only fragmented organic integral tribal regions but, still worse, have reduced the tribals to marginal peoples in most areas. More than 10 million tribals have borne the burden of nation-building and have been condemned to live their lives as ecological refugees in conditions that approximate ethnocide[7]. What is true of the whole, is true of its part, and Maharashtra is no exception.

A unique phenomenon in the tribal areas of Maharashtra in the last two decades is the emergence of the non-party left formations. Disillusionment with the party political process motivated many youth to choose a new option, to go to the oppressed and marginalised groups and creatively invest themselves in processes of their articulation, assertion and autonomy[8]. The thrust of their involvement ranged from facilitating poverty alleviation programmes, enhancing participatory development and mobilising for entitlement, to creating spaces for people's action and widening everyday forms of struggle, to political mobilisation to confronting established power relations[9]. A number of action groups, political groups, non-party political formations and support groups began to emerge from the late '60s, particularly post-emergency[10].

Perhaps the most important event in tribal India in the past few months is the law enacted by Parliament ensuring the tribal people the right to self-governance. The 73rd Amendment to the Constitution on local self-governance was not automatically extended to tribal areas. Without noting the constitutional ban, several states made laws for tribal areas in line with the amendment. This was challenged by tribal organisations in Andhra Pradesh, Maharashtra and Bihar and struck down as unconsitutional, leaving a constitu-

tional vaccuum in tribal areas. Seizing the opportunity, the tribals of the country came together under the National Front for Tribal Self Rule to bring pressure on the government to enact a law. A High Level Committee of Tribal Members of Parliament under the chairmanship of Dileepsingh Bhuria was appointed and submitted its report. Tribal leaders went on an indefinite hunger strike in February, 1996, to demand the law which received the President's assent on 24 December, 1996. For the first time, the organic tribal community has been recognised and empowered to protect its culture, identity, common resources and customs. The community is empowered through direct participative democracy to monitor the resources for development and approve of development plans and expenses incurred in their implementation. The community is empowered to manage its water bodies and minor minerals. It is also empowered to protect itself against exploitation whether through the market, land alienation, money lending or alcohol vending. The community also has the power to monitor both government personnel and other social functionaries within the precincts of the village. For the first time in history, the community is empowered and the law also ensures that higher authorities cannot curb the power of the people. Implementation of this law is the challenge facing tribal peoples in the coming years.

Starvation stalks the Korku People in Melghat

A total of 3,821 *Korku* children below the age of six died in the last four years due to malnutrition and starvation. According to government statistics, 926 children in 1993, 894 in 1994, 926 in 1995 and 1075 in 1996 of the Korku who inhabit the forests of the Melghat region in central India died due to starvation. Even these figures, which are reportedly underestimates, do not include older children, mothers during pregnancy and adult men. If urgent remedial measures are not taken immediately, it is expected that there will be more deaths in the coming monsoon.

Most of the reported deaths have occurred in a cluster of twenty-two villages located within the Melghat Tiger Reserve in the state of Maharashtra, inhabited by approximately 21,000 Korku families.

The root cause of the problem according to local people is the restrictions and denial of access to traditional sources of subsistence in the forests. The Korku people were settled in the area in 1857 by the British as captive labour for timber logging operations.

They were given some land but had no legal status either as land-owners or as residents of the area. In 1973 the area was declared a Tiger reserve and the twenty-two villages were asked to vacate their homes and since have been treated as non-existent as far as rights to forests and access to drinking water facilities and other government facilities are considered. Thus, the Korkus were faced with not only a loss of access to their traditional sources of livelihood, on the one hand, but non-availability of government benefits on the other. Most of them who had slogged for years on timber logging and small-scale cultivation had no other means or skills to survive. Since then there has been a steady distress migration and the 21,000 families who still live in the area are there because they have no skills and do not know how to survive outside the forest.

In response to a public interest petition filed, the Maharashtra State High Court directed the government to take immediate steps to provide relief and monitor the situation in Melghat. But such measures like providing food, medical facilities, etc. will only offer immediate relief: they do not address the basic issue that the Korku will have to be given their rights to their forests so that they can reconstitute their lives and livelihood all over again. Melghat is not the only region reporting starvation deaths. Adivasi people of Kalahandi-Bolangir regions of Orissa and Palamu in south Bihar have reported a severe shortage of food and death due to starvation in the last three years. The fact that not only have starvation deaths been reported regularly from Kalahandi and Melghat, but that the figures are on the increase, shows, despite much publicised government schemes to alleviate the situation, that the situation is very serious in these areas and that government response has not made an impact because the reasons for the deaths due to starvation lie elsewhere.

According to the Central Planning Committee of the Government of India nearly forty-one districts with significant Adivasi populations are prone to death by starvation, which are not normally reported. In the case of deaths by starvation in Kalahandi-Bolongir the Orissa government denied that there were any and refuses to accept that something drastic has to be done to prevent a continuation of the same. Even the relief operations to be implemented in Melghat will not address the basic underlying causes in the long-term perspective.

Karnataka

The state of Karnataka has a scheduled tribe population of 1.9 million as per the 1991 census, though it is widely believed that less than half are Adivasis. 75% live in the Western Ghats, mainly the *Jenu Kuruba, Yerava, Soliga* and *Paniya* recorded as having been living in the region from the 7th Century A.D. as per the Madras Census Report of 1891.

Colonisation of Nagarhole: The World Bank and the Taj Group of Hotels

The World Bank (WB) aided US$ 67 million eco-development project in seven sites all over India is expected to take off in 1997 after having been approved by the International Development Association (IDA) and Global Environment Facility (GEF) on 5 September, 1996. In January, 1995, in response to the Government of India's request, the WB provided a US$ 2 million Project Preparation Facility Advance. The project is slated to meet the expenses for project preparation, improved protected area management, village eco-development, education and awareness, impact monitoring and research, overall project management and preparation of future biodiversity projects. The Project was drawn up by the Indian Institute of Public Administration in November, 1993, and the agreement was signed on 28 July, 1996. The seven sites are located in West Bengal (Buxa Tiger Reserve), Gujarat (Gir National Park and Sanctuary), Bihar (Palamau Tiger Reserve), Madhya Pradesh (Pench Tiger Reserve), Kerala (Periyar Tiger Reserve), Rajasthan (Ranthambore Tiger Reserve) and Karnataka (Nagarhole/Rajiv Gandhi National Park).

In Karnataka's Nagarhole/Rajiv Gandhi National Park, the total population of the project area was estimated to be 72,652 (1981 census) of which 6,888 are Adivasis who along with five non-Adivasi families live inside the Park while the rest live in a five km radius in ninety-six revenue villages.

Nagarhole, the former royal hunting preserve was constituted as a sanctuary on 2 July, 1955, with an area of 57,155 ha. The Government of Karnataka declared 180 sq km as Nagarhole Game Sanctuary in 1972. The process of reclassifying the sanctuary into a national park commenced on 1 April, 1983, and increased in size to 643.39 sq km. It is rich in animal life and part of the 4,500 sq km Nilgiri Biosphere Reserve.

Having lived freely on the forests before, the Adivasis were reduced to wage labourers by the Forest Department for growing teak and kedda operations. Two decades ago non-Adivasis commenced encroachment and have managed to get title-deeds for about 100 ha. There are fifty-eight Adivasi settlements inside the park with a population of 6,888 belonging to the Jenu Kuruba, Betta Kuruba, Hakki-Pikki, Soliga and Yeravas and five non-Adivasi families cultivating about ten hectares. The outrightly colonial Wildlife Protection Act of 1972 provides for the extinguishing of all rights of local inhabitants in national parks, in effect prohibiting habitation itself, with the resultant eviction.

Before 1972 the people were exploited and became forced labour for the Forest Department, shifted from one place to another according to their needs for labour. Since 1972 about 6,000 people have been driven out mercilessly. The remaining people in Nagarhole are seen as illegal encroachers. They have become labourers in estates or bonded labourers; their lands forcefully prevented from cultivation in over forty of the fifty-four hamlets and instead planted with teak, bamboo and eucalyptus; trenches dug up by the officials cutting across their fields and paths, constantly harassed for utilising forest resources for meeting their basic needs; and are denied of development programmes meant for Adivasis, resulting in death from hunger and malnutrition. In the name of forest offences, attempts are made to hound the Adivasis out of their habitation by the forest department officials. This will add to the 500,000 Adivasis out of the 600,000 displaced persons in the country consequent to the setting up of seventy-five parks and 421 sanctuaries all over the country.

The proposal is to resettle 843 families living in twenty-seven hamlets falling in the Kodagu part and another 506 families in twenty-four hamlets falling in the Mysore part of Nagarhole in four sites - Beerathammanahalli, Muddanahalli, Sollepura and Veerana-hosahalli in an area of 1220 ha. The majority of the people have already experienced displacement more than once when the area was declared a sanctuary and major dams were constructed across the Kabani, Tharaka and Nugu rivers.

The Bank's Operational Directive 4.20 on Indigenous People (IP) is to ensure that indigenous peoples do not suffer adverse effects, that there is informed participation and that they benefit. Directive 4.30 on Involuntary Resettlement provides guidelines

and principles governing relocation so that it improves or at least restores minimum economic living standards, and includes involvement of the project in resettlement and a compensation package.

The Karnataka government confirmed that since the November, 1994, preappraisal they have not initiated any activities that could be considered as implementation of a resettlement plan that has not been reviewed and approved by the Bank. Violation of this assurance by the Orissa government led the Bank to exclude the Simlipat Tiger Reserve from the Project. The Karnataka government had in fact planned to relocate the 1,550 families currently living inside the Park between 1993 and 1996 itself, even before the agreement with the Bank. The Forest Department prepared a proposal to relocate 6,145, i.e. all the people living inside the Park according to their estimates, which was approved.

With the prospects of the WB eco-development project bringing a bounty in millions of dollars, pressure to force the Adivasis to abandon their land was stepped up. But organised resistance from the people and support from various quarters made this most difficult. Moreover, it was obvious that strong-arm tactics which the forest department are adept at and used to could no longer be kept hidden from public scrutiny like in the earlier days. The neo-colonial character and interests of the WB project naturally strengthened the arms of the state and the forest department against the original inhabitants of Nagarhole.

With increased stake, newer stakeholders began ganging up for the total colonisation of Nagarhole. With over 30,000 visitors to this high density wildlife Park, the liberalisation of the economy and with the highly lucrative tourism industry being given favourable terms on a priority basis by both the centre and state, the Taj group of hotels decided to corner this mostly untapped (eco-)tourism potential even before the inhabitants could be pushed out with assured support from the Bank - typically the World Bank, State and the private sector coalition coordinating the expropriation of resources from the people unto themselves.

The sawmill at Village Murkal in Nagarhole that was handed over to the Karnataka State Forest Industries Corporation Limited in 1975 was transferred to Karnataka Forest Plantation Corporation (KFPC) in 1987 for establishment of a reception centre with related facilities like cottages, resorts, quarters for staff, open-air dining hall, viewing platform, etc. This covers an area of 22.56 ha.

Treated as illegal encroachers on their ancestral lands: residents of Nagarhole Hadi, a Jenu Koruba community in Nagarhole National Park (Karnataka, India). (Photo: Diana Vinding)

Though construction began in 1985 to encourage wildlife tourism and further expansion by KFPC, KFPC was unable to run it, which is not surprising. KFPC called for tenders for running the complex in 1989. With Oberoi Hotels withdrawing their offer in 1991, the Hotel complex (Wildlands - India) was approved to be handed over to Gateway Hotels and Gateway Resorts Limited of the Taj Group on an eighteen year lease on 25 June 1994.

With the issue of self-rule spearheaded by the National Front for Adivasi Self-Rule spreading in the Adivasi belts of the country in 1995-96, the campaign and protests against the WB eco-development project in Nagarhole intensified from early 1996. While the impending agreement with the WB for the eco-development project by mid-1996 threatened to hasten the displacement of Adivasis of Nagarhole, the commencement of the so-called 'renovation work' in the existing buildings at Murkal in February, 1996, for high bracket tourists exemplified the gross injustice in stark contrast. The Adivasis responded with protests against the Taj Group blocking the construction in August, 1996. Taj was, however, determined

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to go ahead with the construction. The state home department directed the Kodagu police to stop construction by the Taj Group to avoid further tensions and possible conflicts until the issue is sorted out. The general guideline that forest land should not be alienated for non-forestry purposes under the Forest Conservation Act, 1980, was given a go by. Discouraging the setting up of hotels, resorts and other industries inside and near national parks has in this case also been discarded. With Taj reviving the construction at the end of December, the people resolved to prevent this. The authorities' decision to back Taj has led to mass arrests beginning on 23 December when twenty-one Adivasis including women and children were arrested. Seventy-six were arrested on 23 December, twenty-three were arrested on 24 December, seventy-two were arrested on 25 December and another twenty-three on 26 December. This was followed by a total blockade (bundh) of Nagarhole on 29 December when the six roads to the Park were blocked.

In the writ petition filed in the High Court at Bangalore by Nagarhole Budakattu Hakku Sthapana Samithi (Nagarhole Adivasi Rights Restoration Forum) and others, the High Court judgement of 20 January, 1997, declared that the assignment of a portion of forest land to the Taj Group was in gross violation of the Wildlife Protection Act, 1972, and the Forest Conservation Act, 1980. Both the state government and the Taj Group have violated these laws. Hence, Gateway Resorts Limited of the Taj Group was ordered to immediately stop all its activities on the forest land in question and hand over its possession to the State Government.

Tamilnadu

With the change of government in the state in June, 1996, a small step was taken towards possible identification of the culprits in the infamous incident of atrocities against Adivasis including the rape of two women in Chinnampathy in Coimbatore on 11 June, 1994, by the Special Task Force (STF) constituted from the police and paramilitary forces to capture Veerapan - a famous outlaw and sandalwood smuggler operating from the forests of western Ghats - and his gang. Earlier, the Commission headed by Additional District Judge Ms. Bhanumathi had indicted STF and ordered payment of compensation to the victims in May 1995 (see The Indigenous World, 1995-96). The Commission also recommended proceeding against the STF officials. Finally, the wheel of justice moved just a bit

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more with over sixty personnel of the Tamilnadu STF being brought in for an identification parade held on 20 January 1997.

In the adjacent district of Periyar, the Tamilnadu Pazhankudi Makkal Sangam (Tamilnadu Indigenous Peoples Organisation) filed a petition on 14 March, 1996, before the Chief Judicial Magistrate, Erode, the Designated Human Rights Court constituted under the Human Rights Act of 1993. This petition was returned on the basis of lack of clarity on the scope and jurisdiction of the Human Rights Court itself. The Peoples' Union for Civil Liberties (PUCL) took up the matter with the High Court which is now in the process of attempting to bring clarity to the existing ambiguity in the Act with regard to the functioning of the Human Rights Court.

In the case of yet another incident of atrocities by officials on 20 June, 1992, at Vacchathi - a small village in Dharmapuri district - which led to widespread protests, the Central Bureau of Investigation (CBI) filed a charge sheet in the Court of The Judicial Magistrate of Coimbatore on 24 April 1996. The incident was a sequel to an attack by the villagers on the Forest Department officials when they raided the village to recover illegally felled sandalwood and beat up an Adivasi earlier on the same day. In retaliation, 267 officials of the Forest, Police and Revenue Departments attacked the villagers in which eighteen Adivasi women were raped, many were assaulted brutally, over fifty houses were destroyed, thirty-three including sixteen children were held under illegal detention and the adults were tortured. The officials again raided the village the next day and several houses were destroyed. False cases were registered against five men and twenty-six women. This was followed by fact-finding missions by PUCL, media exposure and agitations. The Communist Party of India (Marxist) appealed to the High Court who on 24 February, 1995, ordered a CBI enquiry. The CBI, after enquiry, filed a charge sheet on 4 April, 1996, indicting the officials and the case is now being heard in the Court.

The Kolli Hills of the Eastern Ghats fall under the jurisdiction of the Salem and Trichy districts known for its rich flora and fauna. There are over 3,000 Adivasi families living in more than 250 hamlets depending upon the forests for their subsistence. The twenty MW Kolli Hills Hydro-Electric Project with a capital investment of Rs. 800 million proposes to construct six dams and threatens to displace or severely restrict the rights of the people. The survey for the project which requires cutting of trees for making a path was

opposed by the Kolli Hill Action Committee who went to the High Court. The Green Bench of the High Court observed that the Tamilnadu Electricity Board had not obtained environmental clearance from the Ministry of Environment and Forests and ordered it to cease work.

Kerala

With the passing of the Kerala Scheduled Tribes Amendment Bill 1996 on 23 September, 1996, by the Kerala State Assembly, the Adivasi land issue became the major political issue of the state. This Bill seeks to amend the original Kerala Scheduled Tribes Act (Restriction on Transfer of Lands and Restoration of Alienated Lands), 1975 (KST Act, 1975).

The Amendment, in effect, proclaims that all transactions of Adivasi lands during the period 1960 to 1986, which were termed as invalid in the original KST Act, are valid and legal and hence need not be restored. Instead, an equivalent land and Rs. 25,000 would be provided. All transfer of lands from Adivasis to non-Adivasis stands restricted from 24 January, 1986, instead of 1982 in the original Act.

First of all, the KST Act, 1975, itself does not in any significant manner address the true dimension of land alienation simply because it addresses only those lands alienated for which proof of prior ownership is available. Most lands alienated are those traditionally enjoyed for which no records of enjoyment have been conferred by the state. Of over 8,000 applications filed, over 3,000 have been rejected for want of adequate proof of ownership of land by the applicant. Hence, it is just a case of about 5000 applications. As the Act came into existence in 1975, all lands transferred since 1975 and not 1982 should have been declared invalid as that was the cut-off year in the original Act itself. The Amendment talks of providing alternate equivalent land. But in a state known for having very little surplus land, it is suspected that 23,000 ha of land acquired by the government under the Kerala Private Forest (Vesting and Assignment) Act, 1972, which by that law are to be distributed amongst landless Adivasis (again yet to be implemented), would be used for the purpose. Adivasi organisations have demanded that the settlers be given alternate lands and financial assistance instead. This exposes the discriminatory approach when it comes to Adivasis.

The Amendment was sent to the President of India whose approval is mandatory. The protests against the Amendment spread throughout

the Adivasi habitations of the state as well as from non-Adivasi sections who felt that a gross injustice was being perpetrated against the Adivasis. The protests had their support from other groups outside the state and a campaign was instantly launched in support pressuring the President to reject the Amendment.

Matters further came to a head, when on 4 October, Dr. W.R. Reddy, the Palakkad District Collector was taken hostage by four youths claiming to belong to an unheard of Marxist-Leninist group called 'Ayyabjaki Pada' (Ayyankali Force) demanding the withdrawal of the Amendment. The nine hour tense drama, the first such incident in the state, ended when the hostage takers were allowed to go free after releasing the Collector. This event shook the government and the land issue itself began to be the focal point of political debate and hectic activity. Speculation on more such militant activities was sufficient for the state to launch intense policing and vigilance of activists and supporters. The fear is that the struggles which have been peaceful thus far could turn violent despite the strong condemnation of hostage taking by Adivasi organisations and Adivasi Ekopana Samithy. The anger and protests against the Amendment further intensified and spread. So too did the land grab by Adivasis.

In December a delegation of Ministers and leaders of various political parties led by the Kerala Chief Minister E.K. Nayanar of the Communist Party of India (Marxist) met the Prime Minister, central Ministers and the President in New Delhi to impress upon them the need to approve the Amendment. Protests against the Amendment were held in Delhi by various groups in which the Adivasi leaders from Kerala also participated. Given the raging controversy on the desirability of the Amendment, it is widely reported that the central government intends to sit on it for the time being without passing it on to the President or rejecting and returning the Amendment resulting in a loss of face for the Kerala government.

Notes:

1. D. Symington 1938 Report of the Aboriginal and Hill Tribes of the partially excluded areas in the Bombay Presidency. Bombay: Central Government Press (official).

2. A graphic illustration combination of these four factors and their combined result being death by starvation and malnutrition of tribal children who

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form the weakest link in the survival chain, was first seen in Vavar-Vangani region of Mokhada Taluka and next in the Chalni region of Dahanu Taluka of Thane District, the most advanced district in the state. The deaths of children in Akalkua and Akrani Talukas of Dhule district and in the Melghat region of Amravati district only confirmed the same in a far more grotesque manner.

3. Chairman B. K. Roy 1987. Burman Report of the Study Group on Land Holding Systems in Tribal Areas. New Delhi: Government of India (official). The anomie that follows the loss of land was reflected immediately in the very high incidence of 'suicides' among the displaced tribals in the Dapcheri Milk Project in Thane. The explanation that was forwarded by most of the tribal people without exception was: 'What happens to a tree when you cut its roots? It dies. The same is happening to the older people of the village. They prefer death to the debilitating anomie.' This concept has been explored at some length in Prabhu, P. and V. Suresh 1986. *Transience and Transition in Tribal Societies*, Madras: ISISD.

4. The overall progress indicates that in only 33% of the recorded tenancy cases did the tenants become owners of their land. In the Central Provinces the percentage was still lower at 11.8%. While these percentages refer to the general tenant population, the percentage in the case of the tribals would be a fraction of even these percentages. 'Land Reforms in Maharashtra. An Empirical Study', op cit p.24. Also see Chairman H. G. Vartak 1972. Report of Committee to Examine Difficulties Experienced by Scheduled Tribe Land Holders/Cultivators in respect of their lands in the Working of Certain Acts. Bombay: Government Press (official).

5. For an extensive treatment of the subject of tribal land alienation in Maharashtra, see Prabhu P. D., *Land Alienation, Land Reforms and Tribals in Maharashtra* (forthcoming).

6. This is a very important observation that has been made by the Governor of the State. The fact that land alienation takes place is not only admitted, but by inference, the responsibility for the land alienation can be laid squarely on the shoulders of the state administration. Mehra O.P., Governor of Maharashtra, in Foreword to Gare G.M. and M.B. Aphale *The Tribes in Maharashtra*. Tribal Research Institute, Pune: Government of Maharashtra, p. 37.

7. Commissioner for Scheduled Castes and Scheduled Tribes, XXVIIIth and XVIXth. Report, New Delhi: Government of India.

8. Kothari S, *Social Movements and the Redefinition of Democracy* (awaiting publication) elaborates on this area in some detail.

9. Prabhu P, Redefining Political Space -Review of Fifteen Years', Kashtakari Sanghatna, (unpublished document) explores this area in some detail.

10. Ganshyam Shah 1988. *Grass Roots Mobilization in India's Democracy*, ed. Atul Kohli, Princeton, N. J.: Princeton University Press, pp.262-304 and Action Groups and Social Transformation in India, Lokayan Bulletin, Vol. 6 No. 5, Delhi, Lokayan, have looked at popular mobilisations by party and non-party groups.

CHITTAGONG HILL TRACTS

The situation in the Chittagong Hill Tracts in south-eastern Bangladesh remains volatile. Peace talks between the *Parbatya Chattagram Jana Samhati Samiti* (United Peoples' Party of the CHT) and the government have been resumed; however, the law and order situation in the Chittagong Hill Tracts (CHT) has not stabilised and reports of human rights abuses continue to filter through. The Hill Tracts is closed to foreigners, including diplomats posted in Bangladesh, unless written permission is obtained from the Special Affairs Division of the Prime Minister's Cabinet; this demonstrates the sensitivity of indigenous issues in Bangladesh. The area remains under military control with a marked absence of fundamental rights including freedom of expression and of association.

Negotiations

The present round of negotiations between the government and the Jana Samhati Samiti (JSS) which had begun in 1992 under the previous government of Begum Khaleda Zia continue. Three rounds of talks have been held between the JSS and the National Committee on the Chittagong Hill Tracts representing the government: in December, 1996, January, 1997 and March, 1997. The venue for the last two meetings was changed from the Hill Tracts to Dhaka, and analysts see this as an indication of the increased attention on the peace process and the need to bring this into the political mainstream of national consciousness. In addition, a negotiated settlement to the CHT issue was a part of the Awami League's election campaign, as reaffirmed by the Prime Minister soon after her party came into power.

Although the last meeting in March is reported to have ended on an amicable note, five years after this round of talks began (1992-1997) an agreement has yet to be reached. The JSS has modified its earlier demands and envisages the following framework as the only remedy to have a serene, peaceful and stable CHT, where the Jumma people are 'secure from all aggressions[1].': (i) regional autonomy for the CHT through an elected regional body (Regional Council); (ii) constitutional recognition of the ethnic identity of the indigenous hill people; (iii) restitution and recognition of the land rights of the indigenous *Jumma* people to the CHT region and a ban on outside settlement; (iv) withdrawal of all armed forces from the CHT; and (v) withdrawal of plains settlers to areas outside the Hill Tracts.

Although there is reported to be a certain degree of agreement on some matters such as the establishment of a regional council, a separate ministry for CHT affairs and the establishment of a land rights commission, further discussion is required to agree on the specificities of the major issues. The major stumbling block is reported to be the government's contradictory approach to the question of transfer of power; on the one hand, it is not opposed to transferring some degree of authority to the indigenous people; on the other hand, it does not wish to relinquish its control and attempts to retain ultimate authority in the hands of non-indigenous administrators and other officials. For example, within the context of a proposed land commission to settle land disputes, the government proposes that this be supervised by a retired judge. Whereas land is a central issue in indigenous struggles here as well as elsewhere, the JSS view it as absolutely essential that any proposed land rights commission include indigenous participation such as their traditional leaders (in particular the Chakma and the Bohmong Rajas) and elected representatives e.g. Hill District Local Government Councils and Regional Council.

The two issues which are the most problematic are (1) demilitarisation and (2) withdrawal of the settlers:

(1) Demilitarisation. To place the matter in its proper context it is relevant to note that according to military sources the total number of security forces in the CHT is around 50,000 to 52,000, of which approximately 19,000 to 20,000 are military personnel. The current population of indigenous hill people in the CHT is 558,187 persons as per the 1991 census; thus for every eleven indigenous persons there is one member of the security forces.[2] The government does not wish to withdraw the permanent installations' which include the three cantonments at Dighinala, Ruma and Alikadam and the Brigade Headquarters in the three District Headquarters.[3] As this would be tantamount to continuing the state of military siege to which the CHT is currently subjected, the JSS has demanded that all cantonments be withdrawn from the CHT, and that the number of armed forces in the area be substantially reduced. The issue remains unresolved.

(2) Withdrawal of the Settlers. This has emerged as the most contentious issue in the ongoing peace talks. Between 1979 to 1984, an estimated 500,000 settlers were brought into the Hill Tracts by a

government-sponsored population transfer programme. This policy was implemented in secret without consulting with or informing the indigenous people. In addition, the plains' settlers were illegally allocated indigenous lands, facilitated by the use of force and often with the cooperation of the security forces, and the indigenous peoples were dispossessed of their lands and farms in an arbitrary manner with total disregard for due process of law. Many are internally displaced within the Hill Tracts, while over 50,000 sought refuge in neighbouring countries, in particular India. This population transfer policy - aimed on the one hand at taking over the lands of the hill people, and more insidiously, at altering the ethnographic composition of the Hill Tracts and converting the indigenous peoples into a minority in their own land - has been the major cause for the violence in the CHT.

In recognition of this fact, the European Parliament amended its 1997 economic assistance to Bangladesh to include a specific provision for '...the repatriation of Bengali settlers in the Chittagong Hill Tracts (CHT) back to the plains.' (Budget Line B7-3010: Economic Cooperation with Asian Developing Countries). The European Parliament emphasised that it believed this to be necessary as '...one of the main human rights violations concerning the Chittagong Hill Tracts (CHT) people is population transfer (of Bengali settlers coming from the plains into the Hill Tracts), which is the main cause of conflict in the region.' The Bangladesh Government claims it is willing to repatriate the Bengali settlers if funds are provided[4].

However, there has been opposition to the peace talks by some segments of the opposition political parties who view the negotiations as threatening national independence and sovereignty. There have been demonstrations against the peace talks in the CHT, and during a national conference on the CHT in Dhaka on 25 April, 1997, participants expressed their resistance to any measures to move the plains settlers (Bengalis) or the army from the CHT. The meeting was convened by Mr. Ferdous Ahmed Quereshi, a central leader of the main opposition Bangladesh Nationalist Party (BNP), and attended by members of different political parties including the BNP, the Jamaat-e-Islami, the Khelafat Majlish and the Jatiyo Ganotantrik Party (JAGPA).[5]

In response, thirty-six leading intellectuals and politicians issued a press statement expressing their support for the ongoing peace negotiations between the government and the JSS. They called for a

peaceful and negotiated political settlement of the CHT problems and warned that vested interests were attempting to derail the talks. Noting that the two outstanding issues were land rights and the presence of the government-sponsored settlers, the signatories urged the parties to bring about the relocation of the settlers to areas outside the CHT in a proper manner.[6]

Human Rights Violations

Reports of human rights violations including torture and rape continue to be documented including at the UN and other international fora. The chief perpetrators are almost always the security forces as noted by the UN Special Rapporteur on torture and other inhuman or degrading treatment or punishment: 'The continuing flow of information about abuses committed by the army in the Chittagong Hill Tracts suggests that the government should establish effective and independent means to monitor the army's counter-insurgency methods in that area.'[7]

Violence against Women

There are numerous reports of rape and abduction of indigenous women, including young girls[8]. On 17 March, 1997, a 14-year old girl (Tungyapudi Chakma) was raped by a settler in Pujgang, Khagrachari District and this is one case out of many.[9] In another well known case, Ms. Kalpana Chakma, Organising Secretary of the Hill Women's Federation was abducted on 12 June, 1996. Amnesty International reports that '[s]ix or seven security personnel in plainclothes, believed to be from Ugalchhari army camp, are reported to have entered the home of Kalpana Chakma in New Lallyaghona village, Rangamati District in the early hours of 12 June. Kalpana Chakma and her two brothers were forcibly taken from their home, blindfolded and with their hands tied. At some distance from the house the brothers managed to escape despite being shot at by the security personnel[10].' It is alleged that an army officer, Lt. Ferdous of the 24 Infantry Division was involved in her abduction.

Kalpana Chakma's abduction is believed to be linked to her campaign work during the parliamentary elections which took place in Bangladesh on 12 June. To date there is no news of her whereabouts although her family filed a case with the police (police case no. 12/6/96 No. 2), and a number of demonstrations and other public demands were made for her release including one on 27 June,

1996, during which a 16 year-old student named Rupon Chakma was shot dead, reportedly by a Bengali settler using a police gun.

On 25 July another demonstration was organised, this time in Dhaka, by the National Committee for the Protection of Human Rights, the CHT Hill Students Council and the Hill Women's Federation. In response, the government created a three member inquiry commission which submitted its findings to the Ministry of Home Affairs on 27 February 1997 (as reported by Sangbad, a Dhaka newspaper (6 March 1997). However, the report has not been made public, and its contents remain unknown.

In her report to the Commission on Human Rights, the UN Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy stated that she had communicated her concerns to the Government of Bangladesh over the case of Kalpana Chakma and stated that numerous discrepancies existed between what was originally reported to the police and the police report actually filed. She requested the government to provide clarifications on the case... 'which could potentially involve violations of the right to liberty and security of person and due process of the law, in accordance with articles 4 and 9(1) of the International Covenant on Civil and Political Rights, as well as article 1 of the UN Declaration on the Elimination of Violence Against Women[11].'

The next rounds of talks which were earlier scheduled for 30 April have been postponed to 11 May. There is a cease-fire in place which has been extended to 30 June 1997.

Land Rights

A continuous process of dispossession of the indigenous Jumma peoples has been going on for centuries under successive administrations. A recent study[12] details this issue including a summary of case studies of persons who have been illegally dispossessed of their lands. In addition, the study identifies the major policy approaches which have been instrumental in drastically reducing the land area to which the indigenous peoples have both individual and collective rights of ownership and of access. Government enactment of an order to demarcate a further area of 60,000 ha as reserved forest (May 1992) remains in force. When implemented this would result in the displacement of a large number of indigenous people in addition to adversely impacting their economic survival with severe consequences.

Yet one should bear in mind that many of these people had been uprooted earlier by the construction of the hydroelectric project at Kaptai which displaced over 100,000 people and once again during the government sponsored settlement programme when indigenous lands were allocated to settler families from the plains. In addition, as a result of the counter-insurgency strategies of the military and the construction of army camps and other installations, indigenous peoples have been further divested of their land and property. It is reported that the armed forces continue to acquire land for their operational activities, and that they have in some cases taken out leases until the year 2000, thus undermining current peace talks.

Repatriation of Refugees

As noted earlier, over 50,000 indigenous people fled across the border to neighbouring countries, mainly to India, as a result of violent conflict raging in the CHT. There have been a number of attempts to get the refugees to return, as both the governments of Bangladesh and India expressed the view that this undermines solidarity and cooperation between the two countries. In 1994 some Jumma refugees did return within the framework of a repatriation agreement (5,186 persons). When the Government of Bangladesh failed to fulfil the conditions of its own stipulated nineteen point repatriation agreement, including restitution of land and property, the repatriation came to a standstill, as the majority of the refugees remainig in the camps were reluctant to return without a negotiated political settlement to the CHT problem.

However, in a recently brokered twenty point agreement between the refugees and the government which include provisions for restitution of their homes and lands, as well as rehabilitation assistance, a first batch of Jumma refugees returned to the Hill Tracts at the end of March, 1997 (approximately 5,000). It is reported that a steadily decreasing supply in the refugee camps of basic necessities such as food rations and health facilities in the camps influenced the decision of refugee leaders to agree to continue the repatriation process. It has not been possible to verify whether the conditions of the repatriation agreement have been satisfactorily met, although it is reported that some families have been given their lands back. Hopefully, the repatriation will continue as this is an important component of the search for peace in the CHT.

In a related development, the signing of the repatriation accord was greeted with hostility by the main opposition political parties in Bangladesh, the BNP and fundamentalist Jamaat-e-Islami who view the agreement to be against the interests of the 'Bengali settlers'. A day long hartal (strike) was called in the three hill districts of the CHT for 12 March (during the March round of Government-JSS talks) to protest against the agreement.

International Conference on the CHT

A meeting was held in Bangkok (23-26 February, 1997) to review the situation in the Chittagong Hill Tracts and to explore ways to advance the peace process. It was attended by parliamentarians such as Lord Eric Avebury, Chairperson of the UK Parliamentary Human Rights Group as well as by academics, activists, NGOs and indigenous Jummas. However, the would-be participants from Bangladesh (both Jummas and Bengalis) were not issued visas, allegedly at the instigation of the Bangladesh Government, and therefore could not attend the meeting.

The meeting adopted a Declaration on Peace in the CHT that calls for constitutional recognition of the distinct cultural and national identities of the Jumma indigenous peoples, the removal of the settlers including by means of financial incentives and/or compensatory schemes, protection of the customary land rights of indigenous peoples and a time-table for the withdrawal of the military. The conference recommended that a facilitator be invited to help the parties resolve their differences and that a joint commission be established to research, design and implement a rehabilitation programme for the plains-settlers, outside the Hill Tracts.

Notes

1. *From* A Report on the Chittagong Hill Tracts, Bangladesh and its People, *April 1994, New Delhi: Peace Campaign Group.*
2. *Militarisation and Human Rights Violations in the Chittagong Hill Tracts*, paper presented by Amena Mohsin at the International Peace Conference on the CHT, 23-26 February 1997, Bangkok, Thailand.
3. From a report: *Peace Talks Between the Awami League Government of Sheikh Hasina and the Jana Samhati Samiti (JSS)*, Humanity Protection Forum, March 1997.
4. Amendment No. 0873. Also see *EAIP Newsletter*, European Alliance with Indigenous Peoples, Issue 3, December 1996, p.3.

[6] The Bangladesh Observer, *Dhaka, 26 April 1997.*

[7] *Excerpts from* Bhorer Kagaj *(Morning News), Dhaka, 1 May 1997. Signatories included poet Shamsur Rahman, Prof. Kabir Chowdhury, Poet Faiz Ahmed, Hasanul Inu (General Secretary, Jatiyo Samajtantrik Dal), Manzurul Ahsan Khan (national trade union leader), Saifuddin Ahmed Manik (political leader), etc.*

[8] Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 B *(UN Document No. E/CN.4/1997/7).*

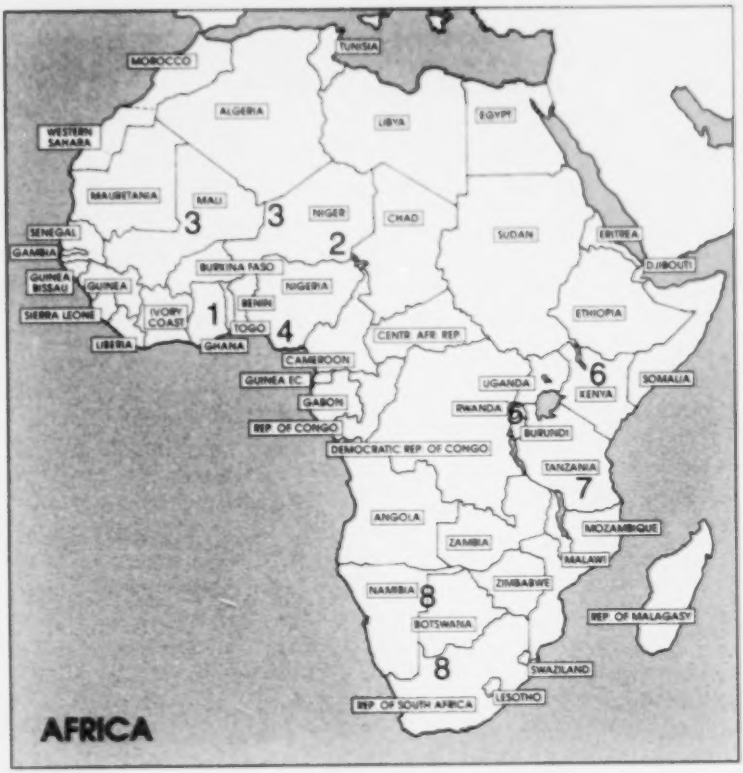
[9] At the NGO Forum the Hill Women' Federation reported that over 94% of the rape cases of Jumma women in the CHT between 1991 and 1993 were by security forces, and that over 40% of the victims were young girls i.e. under 18 years of age (UN World Conference on Women, Beijing, 1995).

[10] The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment transmitted details of three such cases to the government in a letter dated 22 July, 1996: Kajoli Chakma and Suniti Chakma (aged 16); Jitendra Chakma and Nepali Chakma (see UN Document No. E/CN.4/1997/7/Add.1 for details).

[11] (Urgent Action, UA 162/96 of 1 July 1996).

[12] UN Document E/CN.4/1997/47/Add.4.

[13] *Rajkumari Chandra K. Roy 1996:* Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts, Bangladesh, *distributed by the Jumma Peoples Network in Europe, London.*



1. Kokomba

2. Wodaabe

3. Tuareg

4. Ogoni

5. Twa

6. Maasai

7. Maasai, Barabaig, Hadza

8. San/Basarwa (Khwe/!Xu /Ju/'hoansi)

AFRICA

MALI

Fire for peace in Timbuktu

On 27 March, 1996, more than 3,000 weapons were burnt in a huge Fire for Peace in the legendary desert town Timbuktu in northern Mali. The weapons had belonged to rebels from the different movements involved in what has become known as The Tuareg Rebellion. The arms had been handed over by rebels during the previous months. The disarmament was part of a demobilisation agreement between the movements and Malian authorities. During the weapon burning celebration one of the *Tuareg* leaders spoke on behalf of all rebel movements, nomad as well as sedentary, Tuareg and *Moor* as well as *Songhay*, light-skinned as well as blacks. He declared that they all had agreed to dissolve their movements on that very day.

The development of the Tuareg rebellion

The Tuareg rebellion broke out in 1990 when Mali was still ruled by the military dictator General Moussa Traoré. During the first years of the rebellion the Tuareg rebels mainly attacked military and administrative installations in the North of Mali. These were seen to represent the interests of central Malian authorities who are from southern Mali. Tuaregs were not the only ones rebelling against the oppressive regime. Moussa was overthrown by a coup d'etat on 26 March, 1991, after a period of general unrest, during which the military killed many students. On 11 April, 1992, Tuareg and Moor rebel movements signed a peace treaty with the transition government. Mali's first free elections ever were held during that same year, and the historian Alpha Oumar Konaré became president. Because of the rebellion, proper elections were not carried out in the North. But Alpha officially agreed to respect the April 1992 peace treaty, and optimism was widespread.

But the rebellion was not over. In any effort at a transition to democracy there are opponents, in any peace process there are losers. In the North the Malian army massacred civilians. Rebels increased their attacks; this time they also targeted villages. In May, 1994, a movement organising sedentary peoples in the North was officially established, with strong ties to the military. One of its goals was to rid the North of nomads. A vicious circle of inter-ethnic violence grew in strength as 1994 advanced. A time came when everybody became drawn into the rebellion on one side or the other, depending on their ethnicity. It has been estimated that many of Mali's Tuareg and Moor population of about 400-500,000 left the country. The UNHCR (UN High Commissioner for Refugees) established refugee camps in neighbouring countries: Algeria, Mauritania and Burkina-Faso.

People in the North Build their Own Peace Process

It is possible that the germs towards a solution, not only the increasing violence, can be traced to ethnic relationships. Sedentary and nomad populations have lived together in northern Mali for centuries. Their histories are interwoven. On the one side there have been wars, competition, domination and suppression. On the other side there has been co-existence and complementary relations. Nomads have dominated cultivators and been ruled by their rulers. Complex relationships of exchanges of labour, cereals and animal products have been developed between the groups. Markets were meeting places where the products of each type of lifestyle were exchanged, for the best of all parties.

Co-existence has also created ties that obscure any pure cleavage of the population into ethnic groups. Of the numerous Tuaregs of slave origin many are cultivators and many are black. Their ties with other villagers are strong. Still, they share their language and many of their customs and values with other Tuareg. Schooling and job situations create new networks exceeding ethnic affiliations. Marriages occur across ethnic boundaries. During 1995 the devastating effects of social insecurity and violence made the populations in the North see that the war did not benefit any of them. The feeling that 'we are destined to live together' started to grow. It was nourished by a courageous few, who risked their lives to re-establish inter-ethnic ties that had been severed by the rebellion. The incentive to mend communication and renew material exchanges through

inter-community meetings and the re-opening of markets came from Northerners themselves.

The peace process got a certain financial support from different donor countries, and the weapon burning in Timbuktu was made possible through UN engagement. But what is important for the possible sustainability of the peace process, is that it first and foremost is built by locals in northern Mali who want peace.

The first important steps towards a durable peace have been taken. But many challenges lie ahead. Northern Mali has lived through a war during the first five years of Alpha Oumar Konaré's reign. 1997 is election year again. During the first democratic period, Mali has gone through a period of rapid decentralisation. The limits of new local administrative units have been drawn. This has been done while a significant proportion of the population of the North lived in refugee camps outside the country, without the possibility of influencing these decisions. Mali's second round of elections will probably be carried through while a proportion of its population still has not returned.

The UNHCR has decided to close all refugee camps before the end of 1997. Many are still hesitant to go back, distrustful of their government and of their former neighbours. The question of compensation for losses inflicted during the rebellion is, as elsewhere, very complicated and may easily destabilise the peace process. The demobilisation of 3,000 rebels and their reintegration into the Malian army and paramilitary forces seems successful. The programme for the 12,000 rebels who are enrolled in different programmes for reinsertion into social and economic activities has met with problems. There is little to reinsert rebels into. Some former rebels have started to steal vehicles again, selling them in Mauritania. Such thefts prevent NGOs and others from restarting their activities in the North. They demoralise those having accepted losses to achieve peace. On the other hand, communities and kinship groups have organised to prevent their members from participating in clandestine actions, thus increasing the feeling of joint responsibility for the peace process. The situation is difficult but not disheartening.

NIGER

Marginalised Nomads of the Sahel: The Wodaabe

The *Wodaabe* are an indigenous people who still live off extensive pastoralism, migrating very far every year in search of pasture and water for their animals. They inhabit the open semi-desert landscape in the Sahelian zone in west Africa and the northern Savanna zone. There are around 125,000 Wodaabe in all, most of whom live in the Niger Republic (65,000 persons). Some live in northern Nigeria (especially Borno State); the southwestern part of The Republic of Chad; northern Cameroon and the Central African Republic. A few Wodaabe extended families migrate into Burkina Faso and even northern Ghana from time to time, in search of pasture.

'Wodaabe' means 'People of the Taboos', and they are more 'traditional' than other *Fulani*. Wodaabe respect many taboos in their culture; that is what distinguishes them from the rest of the Fulani, who inhabit 16 countries in Africa, and with whom they share the language Fulfulde.

The situation of the Wodaabe in West Africa is somehow similar to the situation of the *Maasai* of East Africa. Both Maasai and Wodaabe are pastoralists and they have a culture very distinct from the settled farmers of the same countries.

Wodaabe continue their north-south migrations every year. In the rainy season they migrate north within Niger Republic, and in parts of the dry season they are forced to cross the national boundary and go into northern Nigeria or Cameroon or other countries south of the Sahel to search for pasture, simply in order to survive. In years of drought they are forced to migrate even farther than in better years in order to save their animals (cf. Bovin 1990). They have recurrently suffered severely from drought, hunger and death, especially between 1969 and 1984. Droughts may have forced them to sell animals, but they have not changed their culture and way of life.

Squeezed from Four Sides

Nowadays, Wodaabe pastoralists are marginalised: they are squeezed from the North, the South, the East and the West. They face a difficult future. From the North there is the threat of desertification of the Sahel. From the South approaches the 'agricultural colonisation' by *Hausa* and *Kanuri* farmers in southern Niger and northern Nigeria. In the West there are the Tuareg, and in the East there is the

A Woodabe camp-site in the bush of Niger (Photo: Mette Bovin)

constant threat of the *Tubu* nomads. Tubu rebels from the Republic of Chad (Hissène Habré' s old troops and other Tchadiens) roam about the bush of eastern Niger Republic where the Wodaabe live. There are Tubu in northern Nigeria (Borno State) and on Lake Chad. It is extremely difficult to distinguish between Tubu rebels and Tubu bandits, who make use of the instable situation and even murder in order to steal and eat. All this is causing the death of many Wodaabe and their animals. But since this is just a 'minor tribal war' the world media does not take notice of it.

The Tubu, who started the Tubu Rebellion in 1994, have somehow calmed down in 1996-97. But since 1994 the Wodaabe - who had always used bows and poisoned arrows to hunt antelope and to defend themselves if attacked - have been forced to buy Kalashnikov guns to defend themselves when attacked by Tubus, who are often armed with guns. So the bush is becoming an increasingly unsafe place in the four countries around Lake Chad.

The strategy used by Wodaabe has been pacifism. 'We hide behind a bush' if something dangerous occurs, they say. Wodaabe have not - like the Tuareg and Tubu - engaged in any rebellion so far. And the Wodaabe do not have their own organisation like, for instance, their cousins, the *Mbororo* of northern Cameroon.

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Marginalisation of Nomads in the Sahel

Wodaabe are squeezed from many sides, threatened ecologically, economically and politically. As a consequence of the increasing environmental degradation and economic insecurity in the Sahel the impoverished nomadic groups started fighting each other. In Département de Diffa and Borno south of the Niger-Nigeria border, Tubus kill Wodaabe. They are in fact both suffering from the same basic socio-economic and political changes. The increase in population density in poor countries like Niger and Chad intensifies the pressure on land.

This pressure comes above all from the farmers in the South, who are in the majority, and who form the governments. Although the Sahel is only marginally suited for agriculture, they increasingly encroach upon the pastoralist nomads' land. In Niger the farmers often close the cattle paths leading south during the difficult dry season. In some places farmers make badly sown 'trap fields' to get money from nomads who have to pay fines if their animals enter a field. But the opposite - farmers paying nomads for taking their pasture or closing their traditional cattle paths - never happens, as government members and civil service employees belong to the settled, farming populations.

On top of these problems, the peoples of the Sahelian states are suffering from the structural adjustment programmes (SAPs) which the World Bank and the IMF force the African countries to take up. The SAP is very hard on a country like the Republic of Niger. Former President Mahamane Ousmane from the first democratic government in Niger worked hard to convince the population to adjust to the SAP. Many salaries were cut down by 5-20% in Niger, and the number of publicly employed persons was reduced considerably. The military coup of Mainassara in January, 1996, in Niger put an end to the new and fragile democratic government. For the Wodaabe nomads in the bush, the most important issue is that the bush is free of rebels: 'We wish a peaceful bush, that is all'.

The Threat from Uranium, Oil, Gold and Diamonds

The situation for the Wodaabe nomads is not made easier by the fact that uranium, gold, diamonds and now oil are found in the Sahelian zone. This again means that pastoral nomads will not (in the long run) be allowed to migrate freely as they do now, in the areas near Lake Chad. The interests of the large companies will, in

collaboration with the governments of Niger, Nigeria, Cameroon and Chad, mean that nomads will slowly be squeezed out of their traditional grazing areas. The Tuareg Rebellion can be understood in this context, in connection with the interest of mining companies in the areas where Tuareg camel herders traditionally migrate.

Wodaabe Ways of Resistance

The Wodaabe often say: 'We Wodaabe dislike ("refuse") Government power very strongly!' By that they mean that they dislike authorities like the military, gendarmerie, police, customs personnel and other civil servants, who use (and often misuse) their power when meeting nomads like Wodaabe. Additionally, in northern Nigeria there are armed robbers who kill people and steal the cattle of the pastoralists like the Wodaabe. And there is nobody to enforce the law and protect them. The military regime of General Abacha would never dream of helping bush nomads.

Wodaabe refuse to attend schools since these are all for settled people's children, not for nomadic children. If there were nomadic schools which their children could attend in combination with animal herding, they would not refuse schooling. Wodaabe believe that it is better to keep their children in the bush: 'Our children will never get the good jobs as civil servants, etc., they' ll just be thrown out of school, and thereby just end up as unemployed youngsters smoking cigarettes on street corners in towns. So what is the purpose of schooling for us?' Wodaabe are stigmatised, called 'primitive bush people wearing pagan clothing (leather trousers)' by settled farmers in villages and by urban West Africans.

Most Wodaabe react to the stigmatisation by holding their head high - and deliberately showing their 'exotic' culture to others: through their dances, ethnic clothes, facial painting and tattoos, etc., retaining their cultural autonomy. But their culture is often abused in advertisements for attracting tourists to Niger or to sell everything from mobile telephones to coffee in Europe.

Wodaabe are not yet organised in the defence of their rights, and they also have no lobby: no lawyer, no politician, nobody who represents their interests in the governments or who defends their land rights.

So far, the Wodaabe have chosen a different survival strategy: they refuse to settle down; they refuse to take up agriculture; they refuse to sell their cattle at markets and keep cattle as milking animals in the first

place. They insist on retaining their subsistence economy in the face of the market economy. So it is no wonder that Wodaabe nomads are unpopular with most governments in the Sahelian states.

Sources:

Woodhead & Bovin. 'The Wodaabe'. 16 mm film, 55 minutes. Produced by Granada Television of England, Manchester & London. Anthropologist: Mette Bovin, director & producer: Leslie Woodhead. 1988.

Bovin, Mette 1984. 'Nomades 'sauvages' et paysans 'civilisès': Wodaabe et Kanuri au Borno', in: *Journal des africanistes*, Paris: Musee de l'Homme.

Bovin, Mette 1990. 'Nomads of the Drought: Fulbe and Wodaabe Nomads Between Power and Marginalisation in the Sahel of Burkina Faso and Niger Republic', pp. 29-57 in: *Adaptive Strategies in African Arid Lands*. Eds. M. Bovin and L. Manger, Uppsala, Sweden: The Scandinavian Institute of African Studies.

GHANA

Discrimination of the Kokombas

In February, 1994, a tribal war broke out in Northern Ghana between two groups with different social structures: The indigenous and acephalous (chiefless) *Konkombas* on the one side and the 'allied' chiefly tribes including the *Dagombas*, the *Nanumbas* and the *Gonjas* on the other. The conflict exposed serious tensions between these ethnic groups concerning ownership of land. The Northern Conflict, also known as 'the guinea-fowl war', because it started as a quarrel over this animal, was barely registered in Africa let alone the world. However, the war was far more complex than its farcical origin suggests. It set Ghana's internal stability, its democratic development and reputation abroad at risk. The official number of dead was 4,000 while unofficial estimates are as high as 10,000.

The indigenous Konkombas live a hidden life, scattered in the bush in northern Ghana, and the problems that the Konkombas have been facing, and now are facing, can best be described in terms of isolation. During the war their homes and storage bins were

burnt and their livestock slaughtered by Task Force soldiers. They sought refuge deeper in the bush where they now are completely self-sufficient and more isolated than ever. Their isolation has made development work and service provision even more difficult. They now have difficulties moving about and cannot pass through administrative centres for risk of being killed. They have no access to any of the important services offered by such centres: hospitals, schools, banking, housing, piped water and electricity, postal services, telephones and fuels. Nor did they receive any refugee aid.

Since the war in 1994 hardly anything has been done to better their situation. However, due to the ethnic discrimination of the Konkombas the German development organisation GTZ (Gesellschaft für Technische Zusammenarbeit) decided to cancel or post pone a large-scale development programme devoted to the rebuilding of the health and hospital sector in The Northern Region. Their own organisation KOLADEP (Konkomba Literacy and Development Programme) is now trying to reorganise their activities including the transfer of their head office from Tamale, the regional capital, to their main city Saboba, since they can no longer operate from Tamale.

The hostility between the warring groups dates back to events around the early sixteenth century, when the chiefly groups came as warriors - as raiders and slave hunters - to northern Ghana.

Until the beginning of the seventeenth century the warriors concentrated their raiding activities mainly in the central and northern part of today's northern Ghana. In this early period the Konkombas were expelled from their traditional areas in the centre of northern Ghana. They fled to the Oti River and plains, an area noted for its flooding each year. They tended - as they still do today - to occupy land difficult to access. After having bled the population to the west of the Volta of slaves and booty for almost four generations, three of the four chiefly groups: the Dagomba, the Nanumba and the Gonja, looked eastwards for richer opportunities, and they now moved to the area around the Oti River, the heart of the Konkomba settlements. Here they founded their kingdoms in Yendi, Bimbilla and Salaga. A war between the chiefly groups and the *Ashanties* heavily increased the demand for slaves and it was mainly the Konkomba people who were subject to their raiding. Along with slavery, a well defined tributary system was imposed by the chiefly groups on the Konkombas; a relationship of superiority and inferi-

ority was founded and was to be strengthened during European colonialism.

Konkombaland was first subject to German colonial rule (from 1884 - 1914) and later to the British colonial power. Unlike the German, the British colonial administration (and seemingly also the post-colonial regimes) sided with those groups which had chiefs, 'states' and centralised political power. The chiefs served as agents of the British power and they allowed the chiefly groups to dominate the acephalous Konkomba by implanting chiefs in Konkomba territories. During the colonial era the chiefs continued to rule the Konkombas through the European powers, and in some cases their power was greatly extended: the former slave hunters became tax hunters. The overlordship of the chiefly groups was legitimised, through 'indirect rule' and the Konkombas could hardly distinguish between their rulers. The Konkombas were 'troublesome' to the colonial regimes and in fact neither the Germans nor the British succeeded in 'pacifying' them: no peaceful dialogue was ever created.

When Konkombaland belonged to the German protectorate, which had its seat in Lome in Togo, it was a time when a great number of people from the other tribes in northern Ghana migrated for paid work in the south. The British concentrated all their commercial activities in goldmines and plantations in this region. As the only ethnic group in Northern Ghana, the Konkombas did not join in this migration. They continued the migration patterns that were common for all tribes in the north before the colonial power: when the exhausted soil could no longer feed the growing population they looked for virgin bushland to cultivate. This migration pattern increased the tension between the chiefly groups, who consider themselves to be the owners of land (by conquest) and masters over the indigenous Konkombas.

A contribution of factors including the invasion of chiefly tribes, slavery, colonialism, lack of contact to the outside world due to limited opportunities in the labour market and geographical and environmental difficulties have all contributed to the deep political, economical and cultural isolation of the Konkombas.

NIGERIA

The Tribulations of the Ogoni Continue

As has been the case every year since the beginning of the 1990s, 1996 was another year marked by continuing tribulations for the half a million *Ogoni* people of south-eastern Nigeria. At the centre of the continuing repression of this indigenous people are the Nigerian military government, headed by General Sani Abacha, and Shell, the Anglo-Dutch oil company that is the main explorer and exploiter of the oil reserves in Ogoniland. In 1995 General Abacha's government, with the thinly-disguised support of the international oil lobby led by Shell, attempted, 'once and for all', to solve what was described as the 'Ogoni problem' by arraigning leading Ogoni rights activists before a tribunal which, eventually, sentenced Ken Saro-Wiwa and eight others to death by hanging, in line with instructions from the military regime. The execution of the activists on 10 November, 1995, far from 'pacifying' Ogoniland, however, re-ignited the resolve of the people to fight for justice. For much of the period after the executions, the military junta has remained preoccupied with its campaign of violence against the Ogoni while the restiveness in the area meant that Shell could not resume its mining operations as it had expected.

Internationally, the execution of Saro-Wiwa and his colleagues prompted the imposition of some sanctions against the military oligarchy that is in power in Nigeria; it also focused attention on the activities of Shell in Nigeria and gave momentum to an international boycott campaign against the oil giant. For much of 1996, both the Abacha dictatorship and Shell, faced with worldwide opprobrium, engaged international public relations consultants with the aim of whitewashing their atrocities in Ogoniland and confusing international opinion as to the true depth of their campaign of terror against the Ogoni. Shell took international adverts in leading newspapers and magazines around the world distancing itself from the decision to execute Saro-Wiwa and the eight other Ogoni activists and listing 'development' projects which it purported to be undertaking for the benefit of the Ogoni. It also went to great expense to sponsor selected journalists to 'see for themselves' the 'true' situation in Ogoniland; in all cases, those tours were carefully guided and visitors to Ogoniland, including Nigerian citizens and foreign diplomats based in Nigeria, who were not invitees of the

military government or of Shell and had not been explicitly cleared by the security forces, were prevented from entering Ogoniland by the military and security personnel deployed to occupy the area. Shell's expensive campaign of lies and deception was severely undermined by its admission that it had purchased weapons and equipment for use in the Nigerian oil delta by the police and other security agencies. That admission provided confirmation that Shell, far from being an 'innocent' player, was a partisan financier of the machinery of oppression and repression that the Nigerian regime had put in place in Ogoniland and much of the rest of the south-east of the country.

The Nigerian Government also took out paid adverts in the international media and the aim was to portray Saro-Wiwa as a 'violent murderer' who was convicted according to Nigerian law and due process; few were convinced by the flagrant campaign of lies and calumny which the Abacha dictatorship waged throughout 1996 against the activist. In death, Saro-Wiwa clearly continues to haunt the clique of soldiers and civilians that ordered his murder in 1995. And in direct contrast to the claims of the regime that Ogoniland had become a haven of peace, the world was alerted during 1996 to the increasing flow out of the area by most able-bodied adults, male and female, into refugee camps in Benin Republic. At one point, local newspaper reports in Nigeria put the number of refugees in the camps in Benin Republic at nearly 2,000. Across the world, young Ogoni men and women driven into exile became a regular feature of the growing community of Nigerian political refugees. Theirs was a direct response to a policy of elimination sanctioned against all Ogoni old enough to keep the flame of resistance alive in Ogoniland. The military government also targeted many Ogoni employed in the civil service of Rivers State and in the federal public service for victimisation. Needless to say, membership of the Movement for the Survival of the Ogoni People (MOSOP) was a sufficient reason to be a target of physical abuse and arrest. For the Ogoni who have remained behind in the Nigerian delta, the necessity to evade the ruthless army of occupation that has taken control of the area has meant spending most of the daylight hours in the bush.

During the course of 1996, a United Nations team set up to review the circumstances surrounding the trial and execution of Saro-Wiwa and the eight other Ogoni was permitted, after a lot of

wrangling with the Nigerian military regime regarding the scope of its work, to visit Ogoniland. Ahead of the visit however, the security forces had made strenuous efforts to 'clean out' Ogoniland of witnesses who were likely to give damaging testimony against the government and military. MOSOP activists were particularly targeted for arrest and detention. Independent journalists were also severely restricted while the legal counsels to the late Saro-Wiwa and his co-accused were arrested and clamped in detention. In this way, the regime sought to ensure that the mission met only those it wanted them to meet and that its version of events in Nigeria, generally, and Ogoniland, in particular, drowned all contrary versions. For its part, Shell carried out a 'clean-up' exercise to eliminate some of the worst traces of the damages to the environment caused by its activities. In spite of all this, however, MOSOP was able, against all odds, to organise Ogoni youth and women to demonstrate against Shell and the Nigerian military during the visit of the UN team; it was the only moment when the international investigators were able to speak directly with the Ogoni about their plight. The report of the team, also published in 1996, contained direct criticism of the trial and execution of Saro-Wiwa and his eight associates.

Meanwhile, 19 other Ogoni activists who were arrested with Saro-Wiwa in 1994 and who are awaiting trial by the same kangaroo court that enacted the judicial murder of the MOSOP leader and his eight colleagues continued to be held by the military. Apart from the fact that they had been detained without trial over a prolonged period of time, reports published by the local media in Nigeria and by human rights groups at home and abroad suggested that they were the victims of routine torture and humiliation, the kinds of which were visited on Saro-Wiwa and the Ogoni eight before their eventual, cold-blooded execution. Neither family nor legal representatives were allowed access to the 19 activists; state officials, however, made routine and open threats about the punishment that was going to be meted out to them. The threat of the 'Saro-Wiwa treatment' against human and minority rights activists became a cynical instrument employed by the agents of the military regime in their effort to enforce silence and conformity across the country. Still, during 1996, MOSOP was able commemorate the annual Ogoni Day; the 1996 day of songs, rallies and demonstrations was given an extra significance by the fact that it was the first to be organised after the execution of Saro-Wiwa and eight other activists

and the organisers managed to beat the security personnel deployed all over Ogoniland before they were dispersed.

The issues for which Ogoniland has been laid waste by the Nigerian military and Shell and over which Saro-Wiwa and his associates were executed centred on the rights of the ethnic minorities that populate the Nigerian delta to share in the benefits of oil exploitation from their land and stop the environmental ruination which exploration activities were inflicting, with dire consequences for the area's ecology and the livelihood of the peoples. These issues touched directly on the manner of organisation of the Nigerian federation and the need for greater corporate responsibility by the oil giants. MOSOP championed the campaign of the Ogoni for a greater share of the oil revenues accruing to the Nigerian state so that the people could enjoy some of the basic benefits of development like potable water, motorable roads, electricity, health facilities and schools. It also demanded compensation from Shell for the environmental destruction which its activities, including oil spillage and gas flaring, had created in the area. The violent rejection by the Nigerian military government and Shell of the peaceful, non-violent demands of the Ogoni failed to stem the growing restiveness in the Nigerian Delta and, during 1996, other communities in the oil-producing south-east of Nigeria directly confronted the oil multinationals operating in their territories and posed direct challenges to the authority and methods of the Nigerian Government. As 1996 drew to a close, it was clear that what Shell and the Nigerian Government had sought to present as an isolated case of discontent limited to the Ogoni and Ogoniland was far more widespread and deep-seated. The Nigerian delta has become a veritable delta of discontent.

EQUATORIAL AFRICA

The Equatorial African region contains the largest contiguous area of moist tropical forest in Africa (estimated at around 1.7 million sq km (Sayer, Harcourt and Collins 1992) constituting 12% of the world's remaining moist tropical forest) and is home to several hundred linguistically closely related peoples numbering about 12 million people, as well as some 300,000 hunter-gatherers (Colchester 1994). Hitherto relatively unexploited, except for Cameroon, where deforestation may be as much as 3% per year (Biodiversity Support Programme 1993), these forests are now increasingly the

focus of international initiatives including development projects, commercial logging and timber certification initiatives.

Despite the severe social disruption and exploitation suffered by forest dwelling peoples in central Africa over the last two to three centuries (see Colchester 1994), local peoples have retained much of their customary systems of land rights and have clear concepts of land ownership and control, testimony to their fundamental importance to these societies.

In the process of 'nation building', Central African states have chosen to ignore, discourage or suppress recognition of ethnic differences and the collective rights of the different peoples within the state boundaries. This has contributed to a very fragile form of participation in which decisions are largely made in the cities, far from the forests and the people who live there.

Ultimately, constructive arrangements with the state and other national decision-making agencies will be needed to ensure that local community institutions can effectively secure their areas from outside pressure. Yet this relationship may prove the most difficult to establish. Some states are not willing or ready to engage in dialogue, fearful of recognising the rights of peoples within the framework of the state. However, most of the demands made by indigenous and tribal peoples for more control over their territories and their future are perfectly compatible with the requirements of a democratic structure. The assertion of indigenous and tribal peoples' rights provides an alternative to ethnic strife and opens up ways of resolving conflicts through negotiated constructive agreements between states and peoples. The aim should be to allow peoples to safeguard their future without resort to violence.

Roads

The inaccessibility of Central African forests has contributed to their relatively low level of exploitation so far. Several countries now wish to improve infrastructure and are seeking funds for road construction and road improvement schemes. While most of the international funding agencies have assessment procedures to evaluate social and environmental impacts of their lending, these measures are often inadequately applied in practice.

For example, in 1996 Cameroon received a US$ 60 million Transport Sector Loan from the World Bank, which was pushed through under pressure from the French Government despite the lack of attention to the environmental and social consequences of the

project. The World Bank announced that the project would not include the Abong Mbang - Lomie segment in south-east Cameroon, which the African Development Bank also refused to fund on environmental and social grounds. However, while the debate about this segment was under way, it was in fact being completed with funding from the European Union. The World Bank has committed itself to carrying out an environmental screening process for each road sector rehabilitated under the Cameroon loan, which it says will 'provide opportunities for full public involvement'. The World Bank should therefore be contacting local forest communities in the affected areas for consultation. Advice from social scientists and other researchers working in these areas will help the World Bank to make its consultation process more effective.

The World Bank is planning further Transport Sector Loans for Gabon (US$ 50 million), Central African Republic (US$ 30 million) and Congo (US$ 20 million). Following the experience of the Cameroon project, the World Bank says that these operations will be subject to full Environmental Assessments. These assessments should evaluate how the roads will bring about on-the-ground improvements for forest communities, without accelerating deforestation or infringing land rights and resource use.

Logging

With the depletion of forests in West Africa, logging interests are now increasingly turning to the Central African area. The main logging companies are European consortia with concessions in several African countries, for example, Danzer (Germany), Rougier (France), Thanry (France), Bolloré (France), and Wyma (the Netherlands), and with separate subsidiaries and affiliate national companies operating in the different countries. On the whole, these consortia practice selective extraction of only a few species, which requires large areas of forest to be opened up for relatively small outputs of timber. In itself, this would not inevitably lead to forest destruction, providing that timber harvesting was carried out as part of a forest management plan designed to ensure sustainability of harvests of timber in the long-term. However, there are as yet virtually no instances of good forest management in the region.

A recent development is the rapid influx of Asian-based logging companies into the area. These use more intensive extraction techniques, as they are able to market a wider range of species. The

Asian firms then, to be less tied to a concession-based system of exploitation, increasingly obtain timber by means of logging rights sub-contracted from local timber companies, with the result that their activities are less easily controlled. Although most timber is exported to Europe, principally to France, Italy and Spain, the Far Eastern markets (Japan, South Korea and China) are increasing dramatically and may soon outstrip the European market. In 1996 57% of Gabon's and 36% of Cameroon's log exports went to Asian destinations (statistics from Tropical Timbers, February 1997 issue).

The construction of roads and other infrastructure (schools, medical services, etc.) and the opportunities for employment may be initially welcomed by local communities, but they also stimulate an influx of people into the area, the clearance by the incomers of more forest for farms and a dramatic increase in commercial hunting, backed by local elites and officials to supply the urban centres with bushmeat. While communities may initially benefit from services provided by logging companies, when the logging operation stops, people lose their jobs and the facilities provided deteriorate. Meanwhile, the natural resources in the area have been depleted or degraded. Hunter-gatherer communities not involved in the market economy may have most to lose and least to gain from the commercial opportunities offered by the opening up of the forests through logging.

The ability and willingness of state governments to control logging activities in the forests over which they claim authority is questionable. Leaked studies carried out for the World Bank in the Congo and published by the World Rainforest Movement (Colchester 1994) show how foreign timber companies can evade national regulations and laws while ruling elites and their foreign backers become richer. Further problems are caused by the financial involvement of European political figures, for example, in Cameroonian logging companies (Verhagen & Enthoven 1993)

Forest-dwelling communities are increasingly coming into conflict with logging companies. They are particularly vulnerable to the effects of commercial forest exploitation, because their customary land rights and systems of land ownership and control, which were largely ignored by colonial authorities, continue to be disregarded by national authorities since practically all land outside urban centres is considered to be owned by the state. Customary rights are recognised to varying degrees in the different Central African countries but are anyway readily extinguished in the 'public interest',

and logging concessions are granted without considering or consulting local populations.

Oil

A multi-billion dollar oil exploitation project involving Chad and Cameroon is being planned by an international consortium consisting of Exxon, Shell and ELF. This has raised numerous environmental and social concerns, documented by the New York-based Environmental Defense Fund (Horts 1997).

The project, scheduled to start delivering oil by the year 2000, will develop the Doba oil-fields in southern Chad and transport the oil through a 1,000 km underground pipeline through the forested region of southeastern and southern Cameroon to Kribi on the Atlantic coast. This route, apparently chosen with political and military considerations in mind (Horta 1997), will have considerable impacts on forest peoples. These include the clearing of forest for project infrastructure; the health and social impacts of an influx of people seeking employment (600 jobs are envisaged) and servicing the migrant workforce along the pipeline and the port of Kribi; an increase in organised hunting; impacts on the Campo and Douala-Edea Reserves; and the likelihood of undetected leakages, particularly into rivers, of up to 2,000 gallons a day of the low quality, high-sulphur Doba oil.

The project, initiated by the private sector, hinges on public funding from the World Bank, because the consortium looks to World Bank participation as the centre-piece of its risk reduction strategy in a politically volatile part of Africa and as necessary to attract funding from export-credit agencies and commercial banks. It is claimed that the project will alleviate poverty because the oil revenues gained by the Government of Chad are to be invested in a development fund (under sole control of the government) and the royalties accruing to the Government of Cameroon (up to US$ 60 million per year) will provide general budgetary support to the government and be used to meet the country's external debt burden. However, the World Bank itself has noted that the Cameroon government's commitment to poverty alleviation is weak (World Bank 1995), and the scope for budgetary gains to 'trickle down' and deliver benefits to the social sector, health, education and environmental protection remains questionable.

An Environmental Impact Assessment is under preparation, which under the World Bank's 1991 Operational Directive for

Environmental Assessment requires borrowers to 'take the views of affected groups and local NGOs fully into account in project design and implementation, and in particular in the preparation of (Environmental Assessments).'

The extent of consultation hitherto appears to be limited to public meetings planned by Exxon in each locality through which the pipeline will pass.

Sources:

Biodiversity Support Programme 1993. Central Africa: *Global Climate Change and Development*. Technical Report. Washington, DC, USA: Biodiversity Support Programme.

Colchester, M. 1994. *Slave and Enclave: The Political Ecology of Equatorial Africa*. Penang: World Rainforest Movement.

Horta, K. 1997. *Questions concerning the World Bank and Chad/Cameroon Oil and Pipeline Project*. New York: Environmental Defense Fund.

Sayer, J., C.S. Harcourt and N.M. Collins 1992. *The Conservation Atlas of Tropical Forests: Africa*. Macmillan.

Verhagen, H. And C. Enthoven 1993. *Logging and Conflicts in the Rainforests of Cameroon*. Friends of the Earth Netherlands and Netherlands Committee for IUCN.

World Bank 1995. Implementation Completion Report, Republic of Cameroon, Social Dimensions of Adjustment Project, 16 June 1995. Washington, DC.

RWANDA

The *Twa* organisations are continuing the process of self-organisation. An umbrella organisation CAURWA (Communauté des Authochtones Rwandais) has been created to coordinate work of the three main Twa groups: the Association pour la Promotion Batwa (APB), Association pour le Developpement Global des Batwa du Rwanda (ADBR) and Association pour la Protection des Enfants non-Accompagnés en Detresse (APEDE). The new organisation has started a programme of capacity building and organisational strengthening with support from the Forest Peoples Programme of

the World Rainforest Movement. This involves developing systems for decision-making, financial management and administration as well as carrying out small-scale income generation projects, such as 'goat banks', revitalising the traditional pottery craft industry and cassiterite mining.

The Twa groups also organised a successful Round Table meeting in January, 1997, with support of the United Nations Human Rights Field Operation in Rwanda (UNHRFOR). This meeting brought together Twa from different regions in Rwanda, government officials and representatives of aid and development agencies. Indigenous support groups included the Forest Peoples Programme represented by Professor James Woodburn. The aim of the meeting was to present the current Twa situation and discuss how the government and aid agencies plan to deal with Twa grievances. The meeting resulted in the following resolutions.

1. Matters related to the Economy:

Land:
The Round Table noted that the Batwa have never owned land. The Government of National Unity should give them areas of land and assist them to construct houses in a context of living together in groups.

Employment:
The Round Table noted that over a long period former regimes in power never favoured the participation of Batwa in the formation of public policy. The Round Table requests that the Government of National Unity employ educated Batwa in the Administration (for example, as Ministers, Prefectures, mayors etc.).

Markets:
The Round Table requests that the Ministry of Commerce, Craft and Industry promote Batwa crafts and give the Batwa a desirable site for the commercialisation of their products, and facilitate their participation in trade fairs at both national and international levels.

Culture:
The Round Table requests that the State donate a site to the APB for the construction of a cultural centre because the site at Remera which the APB had obtained has been seized by other people.

2. Matters relating to social affairs:

a) The Social Relationships of Rwandans in the State of National Unity:
The Round Table requests that the consequences of political denigration and marginalisation of Batwa be rooted out in order to promote a culture of peace and of peaceful cohabitation.

b) National Reconciliation:
The Round Table desires that a National Conference be held bringing together all social groups (ethnic groups) in order to discuss the problems which underlie their social division and to find remedies. The Round Table requests that a system of healthy justice be sustained in the whole country. The Round Table requests that people be open and have confidence in their dealings with each other.

c) Education:
The Round Table requests that the education of Batwa children be treated as part of the general policy for vulnerable groups (survivors, orphans, etc.) in relation to matters of school fees, school uniforms, educational materials, etc.

d) Associations:
The Round Table requests the Ministry of Youth and Cooperatives intervene with different donors of funds in order for the Batwa Associations to benefit from material, financial and social aid. Batwa organisations should be helped to make contact with non-governmental organisations (NGOs) and with national and foreign associations.

The Round Table requests the Ministry of the Family and for Women's Development, and other associations working for women's development, to work with Rwandan women who are still in a state of ignorance (for example, Batwa women).

3. Matters relating to justice:

a) The Round Table requests that the judicial authorities carefully verify the investigations which have been carried out in relation to Batwa accused of genocide in order to avoid conviction of those who are not guilty.

b) The Round Table asks the State for legal assistance (lawyers) for Batwa because they do not have the means to seek lawyers for themselves.
The Round Table asks the State to speed up the investigation of Batwa accused of being implicated in genocide.
The Round Table requests that the State avoid arbitrary and illegal arrests of Batwa.

c) The Round Table requests that the State seek out all those who massacred Batwa during the years 1990-1994 in order to obtain compensation for the families of victims of these massacres (for example, in the case of Gitarama, Kigoma, Gahombo sector).

d) The Round Table requests that the State protect and defend the Batwa minority as Rwanda is among the countries which have ratified the convention for the protection of minorities in accordance with international human rights.

4. Regional Networking:

The International Alliance of Indigenous and Tribal Peoples of the Tropical Forests is seeking to promote a series of regional workshops in west, central and eastern Africa, leading up to a conference of African indigenous and tribal forest peoples, to be held in 1998, and dealing with indigenous rights, sustainable resource use and forest protection. The project is being organised by the Alliance's regional coordinating bodies in Africa: the Ethnic Minority Rights Organisation of Africa, Nigeria and the Association pour la Promotion Batwa, Rwanda, in association with the KINNAPA Development Programme, Tanzania.

5. Macro-developments in the Central African region:

See separate article, to be published in the Proceeding of the Leiden Colloquium on Central African Hunter-Gatherers.

KENYA

Politics in Kenya is nearly always discussed with a tribal dimension. Following a supposed period of *Kikuyu* dominance under President Kenyatta, it is thought today that the government favours certain of

President arap Moi's *Kalenjin* grouping of *Kipsigi, Nandi, Tugen* and *Keiyo* to the disadvantage of other sub-groups and non-Kalenjin peoples. Political parties are still very much divided along ethnic lines. Recent events in Nairobi attest to Kenya's poor human rights record in the face of opposition politics. Suppression of opponents has most recently been seen in the beatings of journalists and Safina party activists and the killing of a student leader, Solomon Muruli.

Ethnic Violence

The origin of inter-ethnic clashes and gross violation of human rights in the Rift Valley, Western, Nyanza, and North-eastern provinces has been instigated by some government ministers who have used their authority to incite mobs within their Rift Valley constituencies to evict members of other ethnic groups and reclaim land they are deemed to have 'taken'. This has resulted in armed gangs raiding those regarded as non-indigenous communities and burning them out of their homes. Now again, after a period of relative peace, the prospect of further conflict has arisen. The Minister for Local Government from West Pokot district, Francis Lotodo, who is infamous for his eviction of Kikuyu residents of the town of Makutano, now claims that the *Luhya* of Trans Nzoia district are persecuting the *Pokot*. This has prompted counter-accusations that the Pokot are cattle thieves and murderers. *Saboti* elders support Mr Lotodo and claim that the Nandi are harassing the Saboat. These accusations inflame racial sentiments that erupt into violence between groups that have hitherto lived in relative peace.

Maasai Politics in Narok

Narok district has one of the richest county councils in the country. This is largely due to the income generated by tourist facilities in and around the Maasai Mara Game Reserve. Until recently, the Minister of Local Government, The Hon. W.R. ole Ntimama, ruled the district as his fiefdom. However, he has recently been deposed as minister and a change in senior personnel is being proposed for the Narok County Council. The implications of these changes for just resolution of the conflict over rights to the *Maasai* sacred Loita forest (Naimina Enkiyio) remain to be seen. However, greed may dictate that despite changes in authority, plans for commercial exploitation of the forest might still go ahead, contrary to the campaign and court case being brought by the Loita Naimina Enkiyio Conservation Trust.

Iloodoariak case

A campaign conducted by the Maasai of Iloodoariak section has at last brought progress in their struggle for restitution of lands acquired by outsiders during subdivision. Bending to international pressure and the threat of litigation, the Attorney General has formulated draft legislation (The Land Adjudication (Amendment) Bill) to resolve the problem for those people rendered landless by error or fraud through the nullification of the adjudication registers relating to Iloodoariak and Mosiro adjudicated sections. The Bill also addresses the whole problem of unlawfully acquired lands beyond these areas of Maasailand, and should in future restrict the potential for non-residents to dispossess residents of lands undergoing adjudication by tightening up the whole adjudication process in favour of residents. However, it is by no means certain that this bill will go to parliament, and much hinges on how the matter will finally be resolved for those directly involved. Already, a community leader has had to go into hiding for fear for his life, and in his absence had his home raided by 'bandits' that are thought to have been sent by some of those people who stand to lose out if land is returned to residents.

Trouble in the North

Escalating violence and insecurity in northern Kenya is causing suffering among residents of Moyale and Marsabit districts. They have been the victims of a security operation to repel rebels of the Oromo Liberation Movement who are being pursued across the border by Ethiopian forces. According to a recent report of The Kenya Human Rights Commission ('The Forgotten People') Kenyan forces are persecuting local people under the guise of finding collaborators. This includes murder, abduction, torture, rape and disappearances. To date, the Kenyan Government has tolerated these excesses and made no official protest to the Ethiopian Government, and indications are that senior officials in Nairobi are as unconcerned about the fate of those people with ethnic affiliation across the borders with Ethiopia and Somalia as they were at the time of the oppression and killings in Wajir in the 1980s.

TANZANIA

In the year since a new CCM government was elected indications are that democratic processes are evolving and starting to bring the rewards of greater freedom and government accountability. Signs of collaboration among opposition parties and the election of a Christian candidate from a largely Muslim constituency also reflects a growing political maturity. A crackdown on corruption and demands for greater accountability are reflected in the resignation of ministers and the suspension, retirement and demotion of senior government officials.

Test for judiciary

The judiciary is showing its authority and lack of bias by removing from parliament MPs from both government and opposition parties alike following election petitions from candidates who lost in the 1995 elections. However, it remains to be seen whether total judicial independence will extend to cases brought by pastoralist communities alleging violation of their customary land rights. For example, resolution of the Barabaig case *(Yoke Gwako & 5 Others v. NAFCO & Gawal Farm* - Civil Case No. 52 of 1988) in which they are contesting the alienation of 10,000 acres still hinges on procedural points to be heard on appeal, and the second case *(Ako Gembul & 100 Others v. NAFCO & Waret & Gidagowmod Wheat Farms* - Civil Case No. 12 of 1989) is still being heard after seven years!; the appeal by defendants in the case brought by *Maasai* residents of Orkesumet village *(Alameni Kambini & 14 Others v. Orkesumet Village Council, Richard Losioki, & Lemburis Leyan* - Civil Case No. 39 of 1990) in which the court ruled against the village council and non-residents who illegally acquired title to the suit land; the Naberera case (*Mary Labdaki & 8 Others v. Naberera Village Council & 12 Others* - Civil Case No. 10 of 1996) in which Maasai residents are challenging the acquisition of titles by what they term 'land grabbing', including a multinational company, has still to be heard on account of the delay in issuing summonses to the defendants; and the summary eviction of Maasai and *Il Parakuyu* residents from the Mkomazi Game Reserve *(Kopera Keiya Kamunyu & 44 Others v. Minister for Tourism & Natural Resources, Director of Wildlife, & Project Manager of Mkomazi Game Reserve* - Civil Case No. 33 of 1995) is still being heard at the High Court in Moshi.

In some cases delays have clearly been orchestrated by the defendants with the cooperation of court officers, in other cases it is the outcome of inefficient court procedures and the huge backlog of cases. However, the maxim 'justice delayed is justice denied' is most apt in this context as plaintiffs are not only expected to endure the alleged wrongs, but also have to assume the added costs and inconvenience of repeatedly attending the courts without reward. In the Orkesumet case the village Executive Officer who had offered to give evidence on behalf of the villagers has now been stripped of his post and had spurious criminal charges brought against him. Such complications on top of delays strain resolve and test the patience of donors who find it difficult to watch their funds consumed without a positive outcome and then face requests for more funding.

New Land Policy and Basic Land Law

The likelihood of just decisions in these and other cases probably still rests on the political will of senior politicians and the confidence of judges to rule against the government. Much will also depend on the interpretation and application of the new national land policy and a basic land law currently being drafted. Indications are that despite a drive for the promotion of private property there will be scope for the registration of group title to land that will have potential benefit for communal land tenure holders like pastoralists and hunter-gatherers. However, as experience in Kenya suggests, privatisation of land tends to favour powerful and wealthy interests at the expense of minorities and marginalised groups. Lawyers are accusing the government of denying sufficient time for thorough consultation and public debate about its content. There are also demands that the bill be translated into Kiswahili so that local people can understand what is being proposed and enter discussion about it. The vesting of so much authority in the Commissioner for Lands is of general concern because of the potential for the continued arbitrary allocation of land without the consent of local people.

Conflict of Interests in Ngorongoro

Reports of a boom in the tourist industry may not be good news for those Maasai who live close to areas protected for the conservation of wildlife. This is of particular concern to indigenous residents of the Ngorongoro Conservation Area who argue that the recently imposed General Management Plan is being imposed without their

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consent. Implementation of the plan involves the re-imposition of a ban on cultivation despite evidence showing that it results in malnutrition amongst Maasai children and the continued denial of rights to property being conferred on residents despite the issue of leases to hoteliers. However, these issues might ultimately be resolved when residents form a single organisation to represent their interests. Prospects for this have been improved by the support of Danish aid for this initiative with the endorsement of the Tanzanian Prime Minister and the lifting of a ban on the registration of local NGOs, which was said by the Vice-President to have only been temporarily imposed to check on existing organisations and ensure that they were directly benefiting their members.

Barabaig Organisation in Turmoil

Formation of the first Barabaig organisation was made possible by agreement with KIPOC - the Maasai NGO based in Loliondo, north Ngorongoro district. By linking up with KIPOC the Barabaig were able to circumvent bureaucratic obstacles put in their way by the Hanang district authorities. The KIPOC Barabaig Programme joined PINGOs - a consortium of pastoralist NGOs. The Barabaig have now formed their own NGO, Bulgalda, and have tried to represent Barabaig interests in the district. Unfortunately, they have had little success due to factional fighting within Bulgalda. This has been compounded by selective support from donors and the activities of destructive external interests who want Bulgalda to fail so that they can benefit from the Can$ 4 million allocated by Canada (CIDA) for community development in Hanang district after their withdrawal from the Tanzania Canada Wheat Programme. Bulgalda has split and withdrawn from PINGOs. It has failed to present itself as a viable conduit for Canadian aid and the funds have so far been withheld despite the dire needs of people in the district.

Hadza and Hunting Rights

Hunter-gatherers like pastoralists are similarly suffering land tenure insecurity. However, whereas pastoralists are primarily concerned about rights to forage, water and salt on their land, hunter-gatherers are more interested in the wild animals that their land supports. This distinction has been brought into stark relief by the conferring of hunting rights in two different locations. Like the

Maasai of Loliondo division north of the Serengeti National Park, the *Hadza* of Mongo-wa-mono village in the lake Eyasi basin have been the victims of land being allocated to hunters. Whereas the Maasai are aggrieved that Arab hunters can roam and hunt across the land of their six villages, the Hadza of Mongo-wa-mono have been able to acquire title to their land, but lost rights to the wildlife resource they value most. Reports from Mongo-wa-mono suggest that the hunters are killing wildlife indiscriminately and thereby eliminating the major source of food for the Hadza.

NAMIBIA

Ju/'hoansi of Nyae Nyae (San, Bushmen)

The Nyae Nyae Farmers' Co-operative (NNFC), representing the Ju/'hoansi of Nyae Nyae (former Eastern Bushmanland), has grown in strength over the past 3 years. The overall goal of the NNFC is to secure land rights and to improve the quality of life for the *Ju/'hoansi* through various means including the sustainable management and utilisation of natural resources, increasing food production and income. Over the past 11 years, in partnership with the Nyae Nyae Development Foundation of Namibia (NNDFN), an integrated rural development programme (IRDP) has been implemented. The main aim of the IRDP is for the NNFC to become self-sufficient and for all programmes to achieve sustainability in terms of funding from donors and skills needed to implement the programmes.

Currently, the NNFC is the major driving force for all of the programmes, with support, advice and training being facilitated by the NNDFN. The NNFC are emerging as equal partners in dealing with other NGOs, donors, visitors and government ministries. The NNFC is managing five main programmes, namely:

1) Income Generation: the overall aim is to generate income for and within the community of Nyae Nyae to increase self-reliance. The programme includes purchasing crafts in the villages run in conjunction with a mobile shop. The crafts are then sent to Windhoek for marketing.

2) Community Based Natural Resource Management: monitors and manages the natural resources, subsistence level agriculture and training of community rangers. The overall goal is to in-

crease food production and income, which will result in an improved quality of life for the community through sustainable management and use of natural resources.

3) Village Schools Project: the overall objective is for the children of Nyae Nyae to have access to education for the first three years in their mother tongue (Ju/'hoansi). Five 'village schools' have been established in Nyae Nyae. The main focus has been on training Ju/'hoansi speaking student teachers and developing curriculum material in Ju/'hoansi and English. The schools have been registered as one semi-private school with the idea that the schools will fall under the auspices and responsibility of the Ministry of Basic Education and Culture in the near future.

4) Technical Workshop: The main aim of the workshop is to be able to maintain the existing technical systems in Nyae Nyae and to become a viable business by offering technical services to other people and organisations. Training has included the following: basic vehicle maintenance and repairs, borehole maintenance including solar powered pumps, metal and wood fabrication, and various aspects pertaining to running a small business.

5) Institutional Development: the main aim has been to strengthen the institutional capacity of the NNFC. The NNFC Management, Board of Management and staff have received training in skills to run an effective organisation including staff management, communication, and programme/business management.

All of these programmes have a strong training component with the main aim focusing on self-reliance and sustainability.

The NNFC have a good working relationship with all the government ministries. The government has also identified and acknowledged that the San people are the most marginalised group in Namibia and need special attention.

Nyae Nyae is one of the remaining communal areas in Namibia with abundant wildlife and potential tourism sites. Historically, the communities living in the communal areas were not allowed to benefit from the wildlife, which destroyed some of their crops. In the commercial farming areas, the farmers were given the right to utilise wildlife. On 4 June, 1996, the Namibian parliament enacted a Conservancy Legislation Bill allowing for the formation of conservancies in communal areas. This will grant communities living in

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communal areas the right to utilise wildlife through the formation of the conservancies and wildlife councils which will facilitate the return of economic and societal benefits derived from sustainable natural resource management to the community.

During the May, 1996, RADA meeting the community of Nyae Nyae decided to form one conservancy.

Over the past year the Ju/'hoansi staff have gained more confidence in their skills and have a good understanding of the direction of the programmes. The NNFC will continue to receive training throughout all the programmes to be able to manage their projects so that they meet their needs, implementing changes within a cultural framework and developing activities which will give the Nyae Nyae community an income base independent of donors and outside help.

BOTSWANA

In 1996 the Central Kalahari issue was brought to international attention, and in November John Hardbattle, First People of the Kalahari founder and spokesperson par excellence, died. The Kuru Development Trust was reorganised, the University of Botswana started up a Basarwa Research Programme, and a new umbrella organisation, WIMSA, emphasised the regional dimension to *Kwe* emancipation.

The Central Kalahari Game Reserve (CKGR).

The broader background to this controversy was documented fully in *The Indigenous World 1995-96*. There are three dimensions to the problem:

1) Are human settlement and conservation of wildlife compatible, or should the people be moved out of the Game Reserve in order to safeguard a tourism potential?

2) Is it economically prohibitive to provide a minimum of public services to people living within the Reserve, or must they be moved out in order to benefit from development?

3) What is the proper procedure for making decisions on these issues? Under what circumstances may national interest, represented by the government, override the interests of a group of people who have occupied and used this traditional land since time immemorial.

While the two first issues could be debated, and compromises could be found in terms of 1) restrictions on economic activities incompatible with wildlife, and 2) striking a balance between services provided within CKGR and services available at the outside; the third dimension places the CKGR issue right at the heart of the contemporary international debate about the rights of indigenous people. It evokes the question of land rights, and it evokes the question of justice. As long as this dimension to the problem is not recognised and addressed, sustainable solutions to the other questions will be hard to find.

The question of settlements within Central Kalahari has been raised by the Government of Botswana from time to time, but with more persistence in 1996. In February top government officials visited the main settlement, !Xade, and follow-up visits were made to this and other settlements. There are contradictory reports on what was actually said on these occasions, but it is quite clear that for the inhabitants of the CKGR the statements from officialdom were *perceived* to convey an extreme pressure to move out of the Reserve.

For this reason John Hardbattle and Roy Sesana brought the case to the international community, through travels and newspaper headlines, securing expressions of concern e.g. from the US Senate's Foreign Relations Committee and His Royal Highness the Prince of Wales, and a large number of indigenous organisations and NGOs. In March the issue was presented before the Human Rights Commission of the United Nations in Geneva.

By the end of May, the District Commissioner of Ghanzi gave assurances to ambassadors from Denmark, Norway, the USA and the British High Commissioner that the Botswana authorities had no intention of forcibly removing any inhabitants from the Reserve and that basic necessities would continue to be provided both on and off the Reserve.

Meanwhile, the planning of settlements outside of CKGR has continued. The present approach is to use a carrot, not a stick: people are approached individually and promises are made in terms of services provided and compensation in cash and kind to those who are willing to move. Naturally, for a desperately poor population, some people find the offers attractive. While the official position is that no one is forced to move, planning documents invariably refer to the government's 'decision to resettle' the people.

All available evidence suggests that the *G/wi* and *G//ana* people can demonstrate uninterrupted collective habitation, without ever

having physically relinquished, ceded or otherwise alienated their rights. According to modern international jurisprudence as codified e.g. in ILO Convention 169, they hold aboriginal title to the land.

Botswana has not ratified, and is thus in no way bound by, the ILO convention. But the basic question remains: under what circumstances may collective ties to land traditionally occupied be forfeited by individuals who receive compensation on an individual basis?

The organisation First People of the Kalahari (FPK) is presently working with the people within the Reserve, facilitating the setting up of functional groups that can adequately reflect the opinion of the people. A concept of eco-tourism is being introduced and discussed. The internationally recognised principles that should be followed in any case of resettlement are being explained by legal advisers.

Note from the editor: Shortly before printing, news reached the IWGIA secretariat that 600 people from !Xade, the largest settlement in the Central Kalahari Game Reserve, "have agreed to move out" and were resettled in New !Xade, some 68 km outside the reserve.

John Hardbattle - In Memoriam.

Central to this process has been John Hardbattle who with his unique mastery of Naro and English language and culture straddled two worlds and became an exceptionally forceful spokesperson and a translator in the widest sense of the word. He will be remembered for his visions of a better future for the N/oakwe, his dedication to the arduous task of building up an interest organisation and for his gentle manners and infectious laughter even under the most trying of circumstances.

His death leaves a gap. FPK will inevitably need readjustments to reflect on a change in leadership. But there is no indication that the determination to continue as an interest organisation for N/oakwe communities is diminished.

The government has travelled abroad to defend its policy, but so far there is no indication of initiatives for the dialogue with organisations that Hardbattle called for. Officialdom seems to direct the attention away from matters of principle more to a focus on individuals, engaging often in 'character assassination', imputing that front-figures have been working for their own economic interest, taking unjust advantage of donor money and spreading false information about government policy. The policy towards the *Basarwa* is

thus still *ad hoc*, reacting to issues as they arise, and not yet proactive.

Kuru Development Trust (KDT).
While FPK, being an interest organisation, is addressing the politically sensitive issues, the Kuru Development Trust has been going through a reorganisations process to make it more efficient as a community-based development organisation. The trust is setting up a *Community-Owned Rural Development Support Programme* with a view to providing services to independent local community organisations throughout Ghanzi District and beyond. The structure calls for each participating community/group to form its own organisation, join a savings programme and attend suitable training courses. The KDT will function as a support organisation, providing accounting, training and marketing assistance. The overall objective is to develop community self-help organisations which will have the capacity to define, direct and implement the community's own development.

The process is reinforced by the establishment of WIMSA, a Working Group of Indigenous Minorities in Southern Africa, which aims to facilitate contact between the national groups and communities. WIMSA has a coordinating office in Windhoek and works with the San Council of Traditional Leaders in Namibia, the San Institute of South Africa and Kuru in Botswana.

Other Activities.
An exhibition staged at the South African National Gallery entitled *Miscast: Negotiating Khoisan History and Material Culture* in April, 1996, examined the types of relationships that were established between Khoisan communities and the Europeans that came to occupy their land, and caused some controversy. Using photographs, documents and artifacts, the fate of the Bushmen as having been 'stuffed, flayed, scarred, marked, dispossessed, displayed, exploited, scrutinised, hunted, exposed, measured and controlled' was recapitulated.

While the objective of the exhibition was to raise consciousness and generate new interest and understanding for the plight of the *Khoisan* people, it was felt by many that the portraying of a humiliating past easily serves to perpetuate this humiliation. As one newspaper headline put it, was this 'Setting history straight - or another chance to gape?'

However, the coming together of organisations from Namibia, Botswana and South Africa, which was occasioned by this particular event, was part of a process of awareness raising and mobilisation of considerable importance and served to strengthen international links so important in the pleading of the Central Kalahari case, and promoted as well by the WIMSA networking initiative.

Reflecting some of the same new awareness of the wider issue of indigenous peoples of Southern Africa. The University of Botswana has launched a Programme for Basarwa Research in Collaboration with the University of Tromsoe, Norway, funded by a Norwegian grant for University cooperation. The programme aims at promoting research into Basarwa issues in all relevant departments, to establish a network of researchers in the region, and to identify ways in which research may contribute positively to *Basarwa-N/oakwe* development.

SOUTH AFRICA

The issue of indigenous affairs is gaining momentum in South Africa. The Department of Foreign Affairs is in the process of establishing a working group on indigenous affairs. In the Department of Constitutional Development a section on traditional affairs has been established.

Some of the indigenous groups of South Africa are actively involved in claims to land, especially ancestral lands. The *Griqua* people's claim to ancestral lands goes back to about 1875, whereas existing legislation provides only for claims dating back to 1913. This means that their land claims cannot be accommodated in terms of existing legislation. Therefore, they have to base their claims on other grounds which makes it difficult to obtain direct attention from the government. The negotiation process of the *Khomani* people of Kagga-Kamma with regard to their ancestral lands in the Kalahari region is, however, progressing.

The !Xu and Khwe communities of Schmidtsdrift were succesful in obtaining land for resettlement. The Minister of Land Affairs agreed to the purchase of some 12,800 hectares of land close to Kimberley, the capital of the Northern Province. This land was registered in the name of the communities during September, 1996. In order to buy the land the communities had to establish an Association for Communal Property according to the requirements

of legislation. This was done and a constitution for the Association was drawn up during August, 1996, and approved in February, 1997, by the national Minister of Land Affairs. Only members of the communities can be members of the Association. The Executive Committee of the Association has 30 elected members, who represent the main interest groups within the communities. These interest groups are traditional leaders, community leaders, men, women, youth, soldiers, business people, elderly people, people with disabilities, artists, teachers and church organisations.

The actual resettlement of the communities to Platfontein, as the new site is known, has not yet commenced. The main reason seems to be a break in communication with the provincial government, through its Steering Committee. This committee has to make funds available in terms of prescribed government formulas. The development plans submitted by the Trust during March, 1996, on behalf of the communities have not yet been approved by this committee, although the communities' choice of land was purchased by them with funds made available by the national government. The reasons for the delay in making development funds available have not been communicated by the Provincial Government to the communities or to the Trust. Despite numerous attempts on various levels by the Trust and the community councils to resolve this issue, these attempts were not fully successful.

In the meantime the Association has commenced with cattle and game farming on the land with the help of a manager. Part of the farming activities include training of community members as cattle farmers, game rangers and farm maintenance staff. These projects have thus far been successful.

The !Xu and Khwe Trust is continuing its programme of community empowerment and development. A cultural mediation programme was introduced with the aid of international funding and training has been given to teachers, pupils at school, community leaders and members of the Executive Committee of the Association. Training is also provided in how to run small business enterprises and in office administration and vegetable growing in anticipation of the resettlement on Platfontein where these skills would be required. The art and crafts project is also growing steadily. Appropriate facilities will become available to expand this project on Platfontein.

PART II

INDIGENOUS RIGHTS

INDIGENOUS PEOPLES KEEP THE UN DECLARATION INTACT FOR A SECOND YEAR

BY JENS DAHL AND ANDREW GRAY

Between 21 October and 1 November, 1996, the Declaration of the Rights of Indigenous Peoples spent a second year under scrutiny from members of the UN Commission on Human Rights (CHR). Approved by all the independent expert bodies of the UN in August, 1994, after 12 years of consultation with indigenous peoples, the Declaration had been sent up through the UN system to the government-controlled Open-ended Working Group of the CHR for discussion in 1995. The first session took place in the same year and consisted of a general discussion about the different sections of the Declaration (see *Indigenous World 1995-96* for an account of this).

The Open-ended Working Group which formally operates under the restrictive rules of the Commission on Human Rights consists of representatives of 53 governments (others participate as non-members) while NGOs with consultative status with the Economic and Social Council of the UN attend as observers. This limits indigenous participation in the Working Group, but by changing the rules of the CHR in 1995, a complicated procedure was adopted to enable indigenous peoples and organisations to attend.

Applicants must write to the coordinator of the 'Indigenous Decade' at the Human Rights Centre in Geneva, Mr. Ibrahim Fall, who consults with governments. Providing they approve, applications for participants pass on to the NGO Committee in New York where each proposal is discussed and most are accepted. One hundred and eight organisations and peoples were passed by October, 1996, although nine have still not yet been approved. Nevertheless, by utilising the accreditation of NGOs with consultative status with ECOSOC, everyone who wishes to attend the Working Group can do so. This means that over one hundred indigenous participants have been present at the two meetings of the Working Group. In

practice the Chair interprets the CHR rules of participation flexibly to allow all indigenous representatives present to speak at any point in the debate.

The meeting takes place in the Palais des Nations in Geneva, although a two day preparatory meeting for indigenous representatives at the World Council of Churches has become customary. This provides an opportunity for indigenous peoples to prepare themselves for the Working Group and forms the basis of an indigenous caucus which meets regularly throughout the two week official meetings. At the same time governments meet in caucus - the main groups are the Western, Latin American and the Asian blocks. Unlike 1995 when positions were being formulated, government caucuses did not feature so prominently in 1996.

The meetings are physically arranged in one of the large oval rooms of the New Building. On the podium sits the Chair, Ambassador José Urrutia from Peru, who was elected by the governments on the first day. Spreading out from the Chair are the 53 governments who are members of the Commission on Human Rights (not all of whom attend); a second group, further back in the room, are the governments which are not members. These are followed by the intergovernmental agencies (such as the International Labour Organisation) and the non-governmental organisations with ECOSOC status. Finally, in the last two rows are the indigenous representatives and other observers.

The lay-out of the meeting clearly illustrates the decreasing power and influence of participants at the Working Group, with the indigenous representatives pushed further to seats at the back of the room. The indigenous peoples and organisations present at the meeting have realised that only by resisting this framework through persuasion and action, will the Declaration emerge from this process of governmental scrutiny in a form which is relevant to their survival.

Creating Consensus and Lobbying

The Open-ended Working Group is fundamentally a government controlled meeting where the stakes are piled against indigenous peoples because of the rules of procedure and the structure of the UN. Nevertheless, lobbying and consensus creation are possible through techniques of discussion and persuasion operating on several levels.

1. The Indigenous Caucus

This group stems from an idea which has worked since the 1980s at the preparatory meetings to the Sub-commission Working Group. Originally sponsored by several indigenous organisations, these meetings now operate thanks to the initiative and facilitation of the Mohawk representative Kenneth Deer, with support from the World Council of Churches. They provide an important opportunity to strategise prior to the Working Group and provides a forum for continuing the discussion during the session itself. Out of the indigenous caucus, several important unanimous statements have been made which place the perspective of indigenous peoples clearly on the floor of the plenary.

This does not mean that indigenous peoples always agree on every detail. The meetings are exchanges of opinions, and conclusions arise through consensus. The general indigenous strategy of defending the Declaration as it stands has remained solid since the Working Group approved the text in 1993.

The process of consensus formation in the caucus is not always easy. Representatives from such a variety of peoples, each with their own history, figures of inspiration and cultural strategies for survival as well as specific relations with governments, inevitably means that any form of consensus will arise from flexibility and the capacity to shift tactics according to the situation. Another difficulty encountered by the caucus has been that decisions are made at the preparatory meeting at the week-end and those representatives who arrive for the Working Group itself find that a proposed strategy has been formulated on the basis of two days' discussion in which they have not participated.

In spite of the difficulties, the indigenous caucus can work sensitively towards forming agreements which pursue a united approach for defending the Declaration.

2. The Governments

At the end of last year's report on the Working Group published in *Indigenous World*, there is a very rough guide to the positions of governments. This can be amended in the light of lobbying and discussions between governments and indigenous peoples during the year. However, certain governments remain broadly supportive to the Declaration such as Australia, Bolivia, Colombia, Finland, Denmark, Fiji and Norway while others, such as Bangladesh, Brazil,

China, France, Japan and the USA favour substantial amendments. Much of the negotiations between governments takes place between these blocks. Key players are Denmark, Norway and Australia on the one hand and the USA and Brazil on the other. In between, Canada and Sweden have tried to play mediating roles.

The process of consensus-making among the governments takes a pattern which can be depressing for indigenous peoples. Most of the initiatives come from the more positive countries and these are gradually whittled away by the intransigence of the more negative countries, particularly Brazil and the USA. The effect is that if governments are left on their own, the process of consensus means that the result will quickly become the lowest common denominator. This is highly problematic for indigenous peoples who consider that the Declaration as it stands has already been accepted through compromises.

3. Governments and Indigenous Peoples

However, whereas the process of consensus formation can weaken indigenous positions, the effect of lobbying governments can be beneficial. Outside of the Open-ended Working Group, several initiatives took place during 1996 which were extremely positive for the meeting. In the Pacific, a regional workshop on indigenous peoples was held at Fiji in September where the Government of Fiji with support from other Pacific island states supported the Declaration. The indigenous peoples from Asia have been in meetings with their governments both in their countries and at the UN. In North America and Canada consultations and indigenous attempts to shift intransigent government positions have also had some effect.

However, lobbying has its limits because governments are transient. Major shifts in the national policies can lead to changes in support for the Declaration which can take place over night. The Government of Australia, for example, has been a positive influence on the meeting, but how long they can continue this with a new rightist government is uncertain and causes indigenous peoples considerable concern.

The other form of lobbying takes place in the meeting itself. Talking to governments is only done by a few indigenous peoples because many feel intimidated or uncertain as to what they should say. However, from the government perspective, there does seem a

genuine desire to talk to indigenous peoples informally. During this session, a serious of consultations were organised between governments and indigenous representatives outside of the main meeting which produced some results. Indeed, indigenous representatives are gradually finding out that it is possible to build up a relationship with government delegates and use time and patience to explain the reasons for indigenous peoples' positions.

The Meeting

The 1996 meeting of the Working Group was formally a detailed discussion of the Declaration which focused on clusters of articles. However, at the same time, a second area was under scrutiny: the participation of indigenous peoples at the meeting. The two themes: discussion of the text, which took place within the Working Group, and discussion of participation which took place largely in non-formal meetings outside of the plenary, established a contrapuntal flow of debate at two levels, which occasionally clashed openly causing disagreements among and between governments and indigenous representatives.

Indigenous Concerns over Participation

A major concern of indigenous peoples is that with the Declaration locked into the political bodies of the United Nations, the progressive provisions for indigenous rights achieved through long and persistent struggle will be removed from the draft by state government representatives. Prior to the meeting, several friendly governments made it clear that the second year should be devoted to seeking consensus over the least controversial aspects of the draft. However, indigenous representatives pointed out that the disagreement over the word 'peoples' alone meant that no single article could be approved without 'bracketing' or 'opening up' the text for amendment.

Participation thus became a crucial element of the 1996 session. Government representatives, particularly those of friendly governments such as Australia, Norway and Denmark, considered that they had achieved much to break open the UN system for indigenous peoples. They explained that for the first time in history, indigenous peoples were participating in a process which is normally restricted to governments and that this had been achieved through much diplomatic wrangling against resistance from hardline

governments. Furthermore, through the goodwill of the Chair, all indigenous representatives who wished to attend and speak at the meeting could do so.

However, this placed indigenous peoples in a quandary. While they clearly appreciated that their presence in the Open-ended Working Group was a significant landmark in the democratisation of UN procedures, this in itself raised another problem. Whereas indigenous representatives could participate and speak, there was no clear orientation from the Chair or governments as to whether their views on the Declaration would be reflected in the consensus decision-making of the Working Group. Thus, whereas their presence would legitimise the process of discussing the Declaration, if governments unilaterally decided to amend, revise and substantially weaken the text, indigenous peoples could be outside of the governmental consensus. This would mean that a weak Declaration had been approved through a process legitimised by indigenous peoples.

The First Clash

Out of this concern, at the preparatory meeting prior to the beginning of the Working Group, the indigenous caucus established three proposals for presentation to the meeting on the first day:

1. A proposal to change the agenda from looking at specific clusters of articles to giving priority to a general debate on the Declaration;
2. A proposal that the Declaration be adopted at the end of this discussion;
3. They also suggested that there should be a change in the rules of procedure of the meeting providing for the equal and full participation as partners in the decision-making authority of the Working Group.

An appointed group of a few representatives had tried unsuccessfully to establish a meeting with the Chair prior to the first meeting but they only managed to meet with him for a short briefing. The meeting was opened and José Urrutia re-elected as Chair. He stressed in his first speech that there was a gap between the draft text as it now exists and the position of governments; however, for this year there would be no drafting process. Nevertheless, he also said that

he wanted a plan of work which would start with the least controversial articles and move on to the more complicated general points at the end of the session. He also asked for concrete proposals for amendments. The aim was that the final report would reflect definite positions.

The speech was ambiguous; on the one hand, there would be no negotiation or drafting of the text, yet participants were encouraged to present suggestions for the formulation of concrete proposals. Indigenous peoples took this to mean that whereas there was no official drafting, an unofficial drafting exercise was to be initiated. The meeting was adjourned until the afternoon and the indigenous caucus met without any non-indigenous persons present.

The afternoon meeting began with a statement from the indigenous caucus. Moana Jackson from the Maori Legal Services spoke on behalf of the indigenous representatives presenting the three requests decided at the preparatory meetings; this would involve a change of agenda. The Chair thanked him, but did not act upon the suggestion. The International Indian Treaty Council spoke in support of the indigenous statement, but the Chair responded that he considered the indigenous intervention as a comment, not a proposal. Willie Littlechild from the International Organisation of Indigenous Resource Development then made the indigenous proposal into a formal motion, but the Chairman then intervened to say that only governments had the right to make motions. When the World Council of Indigenous Peoples reiterated the proposal for a change in the agenda, the Chair ignored their representative and said that the Working Group would proceed according to his original suggestion as no government had intervened in support of the indigenous proposal. At that moment all the indigenous and NGO representatives walked out of the room.

The Chair had made the situation clear: indigenous peoples could attend and speak at the meeting and they could agree with the consensus making of the governments, however, they were not full and equal participants. They could not initiate proposals for discussion nor would they be in a position to challenge a consensus of governments.

The Aftermath of the Walk-out

Immediately after the walk-out, a long list of governments argued for respecting indigenous participation in the meeting: Australia,

Denmark, Canada, Mexico, Norway, Chile, Sweden, Fiji, New Zealand, Colombia and the Russian Federation were only some of the government which strongly advocated entering into immediate negotiations with indigenous peoples. Several governments then left the room. At the end of the official meeting, the Chair said that he would meet with the indigenous representatives, but before that he wanted them to explain why they were unsatisfied with the process.

The indigenous caucus agreed to talk to the Chair the following morning where he was presented with the three demands. His response was that he had no problems with a change of the agenda so that a general discussion could be taken up first, as long as the articles were discussed according to the approved agenda. Whereas he also promised to apply a flexible procedure for the participation of the indigenous representatives, he was not in a position to be able to change rules and procedures put down by ECOSOC. Furthermore, he could not call on the Working Group to adopt the Declaration. However, the Chair emphasised that there would be no further writing or drafting of the Declaration at the Working Group meeting this year, only an open discussion on all the articles.

The indigenous caucus debated long and hard about how to respond. Whereas everyone was in agreement with the overall strategy of defending the Declaration, pushing for full and equal participation in the meeting and not opening up the text for negotiation, some felt that this should be accomplished by withdrawing from the plenary. The groups advocating withdrawal, primarily from the United States, Canada and New Zealand, felt that the Chair had not addressed their real problems. They acknowledged that the Declaration would not be adopted this session and accepted that the Chair had finally clarified that there would be no discussion of suggested amendments to the text this year; however, they felt that full and equal participation was something which could be discussed further and that a slight move from the Chair would be sufficient to bring them back into the room. The concern was based on the dilemma that if they returned to the room without adequate participation, they would be held responsible in indigenous eyes for a revised Declaration over which they had no part in the decision-making process.

The second group, consisting mainly of indigenous peoples from Australia, the Arctic, Russia, Africa, Latin America and Asia agreed with the above position, however, they felt that the meeting was

going ahead and discussing the Declaration. While they remained outside, only the positions of governments were being reflected in the report and no one was present to defend the text. Without anyone in the room, they felt that no one would be able to ensure that the governments did not pile up arguments advocating modification of the text. They preferred to be in the room arguing and debating.

Initially, the advocates of these two positions held distinct positions. The Australian indigenous delegation returned to the room on Tuesday afternoon to make a strong statement asserting the three demands of the indigenous caucus. Meanwhile, the indigenous caucus prepared a joint statement which was made on the following day (Wednesday). This statement explained that indigenous representatives felt that they had had no say in the finalisation of the agenda, they had wanted a general discussion on the adoption of the Declaration and wanted to initiate a process for the full and equal participation of indigenous peoples. The final report of the Working Group must have the full involvement and consent of indigenous peoples, including a recommendation to the Commission on Human Rights to secure full participation of indigenous peoples. This was followed by a substantial number of indigenous speakers from all regions supporting the caucus statement.

Only Australia and Denmark responded immediately to the indigenous caucus statement. The Chair then opened the floor for the general debate and governments were asked to address the questions raised. About 12 governments spoke, some in favour of full adoption of the text (Denmark, Fiji, Bolivia) and others very favourably to recognising the rights of self-determination, but maybe with minor changes of some wordings (Norway, Sweden, Finland, Australia). No government spoke against the draft Declaration. However, the question of participation still remained unaddressed.

On the Thursday of the meeting, the indigenous caucus made one more try to talk to the Chair about full and equal participation. The attempt was made through the representative of the Government of Bolivia who had offered to open up a direct dialogue with the Chair on this matter; but talks in the afternoon broke down because the Chair wanted a formal proposal made by governments. Nevertheless, whereas he made it clear that he could not change the rules of procedure, he promised to be flexible in relation to statements from indigenous peoples and to put anything they requested into the report.

The indigenous representatives met in caucus in the afternoon to analyse this response. Everyone agreed that the Chair had moved on the general discussion of the Declaration and the flexible interpretation of the rules of the Working Group. However, most of the North American and New Zealand indigenous delegations considered that this did not sufficiently answer their demand to discuss the establishment of a full and equal participation of indigenous peoples in the meeting. Others, from Asia, Africa, the Arctic and Latin America felt that there was now a small window for having the rules changed for the Working Group next year. The former group eventually decided to leave the session but continue monitoring it from outside, while the others agreed to enter the meeting and defend the Declaration from within.

On the Friday, the indigenous representatives who were withdrawing from the session, made statements to the plenary explaining their reasons. Each delegate leaving explained that full and effective participation of indigenous peoples in the Working Group is essential and that they continue to call for changes or amendments to the rules of the meeting. They consider that the Declaration is the minimum standard of rights of indigenous peoples. They all said that the withdrawal was not closing off future participation if the rules are changed and that they would monitor the progress of the Working Group. These statements were supported by those who remained in the room and a suggestion was made that governments should take the requests for full and equal participation seriously and allow for consultations during the second week. The Government of Australia agreed and discussions on participation moved to another stage.

Research on UN Rules and Procedures

During the period of discussions between the Chair and the indigenous caucus, several lawyers investigated the rules of ECOSOC. At an information meeting on Friday evening, Tony Simpson and Augusto Willemsen Diaz explained that the rules of procedures for the Working Group have three layers.

1. The basic rules of procedures according to which NGOs can be accredited to meetings says that non-government participants can speak but not take part in decisions. These are found in Rules 75 and 76 of the Rules of Procedure of the functional

commissions of ECOSOC (which includes the Commission on Human Rights) and paragraphs 31 & 33 of ECOSOC Resolution 1296.

2. However a special resolution of the Commission on Human Rights (Resolution 1995/32 Articles 6 & 7) known as the 'Working Groups enabling legislation' was passed to create the Open-ended Working Group under which organisations and peoples not accredited with ECOSOC could apply for accreditation to the meeting. However, the resolution did not state whether or not these NGOs had the right to speak or participate in decision-making.

3. In 1996 ECOSOC Resolution 1296 was updated into Resolution E/1996/31 (L.25) which produced a third layer of procedures. In paragraph 35 it says: 'Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the commissions and other subsidiary organs of the Council. Organizations on the Roster may have representatives present at such meetings which are concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.' The last sentence has been underlined, because in this phrase, the rules have provided a window which provides the possibility of opening up the meeting so that indigenous peoples can participate fully and equally. However, this can only take place with the agreement of the Chair and members of the Working Group.

This discussion was critical because, in spite of the complexities of the use of the UN rules, it provided the indigenous caucus with a framework for future lobbying. On the one hand, they would continue to pressure the Chair and governments for supplementing existing arrangements with other 'modalities of participation', while, at the same time, taking the question to the Commission on Human Rights itself to see whether these rules can be changed through a long-term process of discussion and lobbying.

Consultation with the Governments

On the Monday of the second week, the indigenous caucus was ready to start consultations with governments. The Chair adjourned the plenary meeting for an hour in order to allow an informal

discussion but also added that the meeting would not be reflected in the final report. The indigenous caucus representatives made the first presentation and argued that in the spirit of co-operation both governments and indigenous peoples should agree on a process of practical procedures to facilitate working together through full and equal participation which would enable a process of decision-making involving a full consensus of all those attending. Indigenous peoples want to have a role in the agenda setting and decision-making of the body. This will ensure that nothing can be decided without the full and informed consent of indigenous peoples. Several areas were identified:

1. Formulation and adoption of the work agenda;
2. Drafting and adoption of the report;
3. Discussion and deliberation of the text of the Declaration;
4. Planning of intersessional activities;
5. Any other matters.

Indigenous representatives from all parts of the world supported these proposals.

Several indigenous representatives also expressed concern about the accreditation procedure which meant that some organisations were not officially allowed to participate.

Several governments responded. Australia and other friendly governments said that there was a desire that indigenous peoples participate on the basis of equality and that a process should begin to decide procedures in advance. Norway proposed that practical procedures be found to ensure full participation. Canada argued in favour of flexibility and argued against forcing language of the Declaration through against participants' will. Denmark agreed that the meeting should be fully flexible, and also said that these matters should also be taken up at the Commission on Human Rights.

The conclusion of the meeting was that in future everyone would work towards consensus. It was decided that further consultations should take place between governments and indigenous peoples and on Wednesday morning another meeting took place attended by the indigenous caucus and representatives from the governments of Canada, Australia, Denmark, Sweden, India, Peru, Fiji, Malaysia, Brazil and the USA.

The atmosphere in the meeting was cordial and built on the previous discussion. Several proposals were made with which most

of those attending agreed. The first was that at the next session of the Commission on Human Rights a resolution should be made to establish procedures for the next Working Group. The second was that there should be a technical meeting held before the next Working Group to discuss and agree on the procedures in advance. The governments agreed to these ideas in principle. Among all the positive compliments directed to the Chair of the Working Group, it was clear that some governments and the indigenous caucus felt that he could have handled the sensitive moments in the meeting more openly and constructively. It was agreed that indigenous-government dialogue would reassure him that the will of the participants was to improve communications.

The meeting ended on a constructive tone and was reassembled on Friday morning. The idea of the meeting was to discuss ways of adopting a text in the final report which would include strategies for the full and fair participation of indigenous peoples. The indigenous peoples and friendly governments continued the joint strategy of proposing a discussion at the Commission on Human Rights and organising a technical meeting. The dialogue became side-tracked, however, by a proposal by Sweden that a group of indigenous peoples and governments be organised as 'friends of the Chair' to facilitate procedures and then become transformed into a drafting committee for the first reading of the Declaration. This caused concern among indigenous peoples because once more a threat was arising to open up the Declaration prematurely.

The Swedish proposal was seized on by some governments as being an alternative to the idea of the technical meeting and the discussion wove around the original proposals. Eventually, however, it was agreed that at the end of the meeting the Chair would be given a suggestion for proposing that the CHR takes up the question of participation with the idea of organising a technical meeting. The Swedish proposal was seen as 'premature' and a group began to draft a text for inclusion in the final report.

The Final Suggestion - an Example of Consensus

The final agreement of the text included in the report was an interesting example of how consensus can reduce proposals to the lowest common denominator. Immediately after the indigenous-government meeting, the indigenous caucus and the friendly governments drafted a proposed text for inclusion in the report: 'Fol-

lowing extensive consultations, participants agreed by consensus, that the matter of full and equal participation of indigenous peoples in the open-ended inter-sessional Working Group established by Commission on Human Rights Resolution 1995/32 must be ensured. In this regard, the Working Group respectfully requests that the Commission on Human Rights (requests that the Economic and Social Council) approve of and establish a series of technical meetings to ensure the full and equal participation of indigenous peoples in this Working Group, in the context of elaborating upon other modalities of participation.' Whereas the friendly governments were in agreement, Australia was concerned that the text would not gain consensus from Brazil and proposed a more general text: 'Many delegations felt it was essential that steps be taken to promote effective participation and consultation of organisations of indigenous peoples before the next session of the Working Group in order to facilitate the work of the Working Group and the clarification and elaboration of the text of the draft Declaration. Accordingly, the Working Group recommends that the Commission on Human Rights take this into account in the action it takes on this report.' This second text transfers 'full and equal participation' into 'effective participation and consultation', it raises the question of the 'clarification and elaboration of the text' and drops direct reference to a technical meeting. The indigenous representatives were unhappy about the 'clarification and elaboration of the text' phrase and this was removed.

Then the government negotiations began. The main problem was the Government of Brazil, which pushed to weaken the text even further. This annoyed the friendly governments and at one point relations within the Latin American caucus became markedly heated. Nevertheless, Brazil insisted and a further weakening of the text took place: 'Many delegations considered it important for measures to be adopted to consult organisations of indigenous people before the next session of the Working Group. Accordingly steps should be taken to consult with organisations of indigenous people before the next session. Accordingly the Working Group recommended that the Commission on Human Rights take this into account in the action it takes on this report.' This third text takes out any reference to participation and refers only to a consultation and further weakens the need for measures to be taken by changing the word 'essential' for 'important'.

The final text was passed around the indigenous caucus and people were told to approve it immediately because the High Commissioner for Human Rights was due to address the meeting and the final report had to be approved. An enormous amount of pressure was put on participants to agree and eventually, with reluctance, the text was accepted (although at the last minute the Chair unilaterally took the 's' out of the term peoples). In order to ensure that the original proposal was placed in the report, a representative of the indigenous caucus read out the original text.

This experience in seeing how consensus can be reached was a depressing illustration of how progressive initiatives can be reduced to their weakest alternative. Governmental negotiations on the floor of the plenary, drafting and re-drafting at speed, pressure from shortage of time and recalcitrant governments refusing to budge on an issue, even though they constitute a minority in the room, were all important features of the consensus process.

This demonstrates a clear contrast in the way in which indigenous consensus is reached and that of governments. In the indigenous caucus, the usual approach (with very few exceptions) is that during a discussion, those persons who take a minority position, seek to move their position or agree to allow the will of the majority to be accepted. The flexibility and transparency ensures eventual agreement with most of the meeting content. The governmental notion of consensus is that a progressive initiative is gradually weakened until the representative with the greatest opposition draws the text to the lowest common denominator. For this reason, indigenous peoples felt at the end of the meeting that their concern about participation was fully justified, because if there is no flexibility among governments, the text of the Declaration will become transformed into the ideas of a few governments such as Brazil, Bangladesh, the USA, Japan and France.

The Plenary Meetings of the Working Group

The Working Group meetings provided a parallel series of discussions to those concerning participation. After the Chair agreed to change the order of the agenda to begin with a general discussion and then taking clusters of articles at a time, the session developed into a more detailed commentary on the subjects covered in the 1995 Working Group. The debates on the clusters of articles were slowed down by the parallel interventions on participation. Whereas at

the beginning of the meeting, a substantial period was devoted to the cluster on culture, the time limit became shorter over the subsequent two weeks with the result that the topics were covered more briefly towards the end.

The summary covered here provides a sketch of the debates which took place on the Declaration. The indigenous peoples' position was consistently in favour of the current draft, whereas governments came up with many suggestions for changes. These were clustered around several issues. The most frequent comments from governments sought 'clarification' of wording. Whereas some government representatives hid behind this general argument in order to avoid explaining why they did not like certain aspects of the text, genuine clarification could be an important factor in future work.

General Debate

The indigenous representatives all proposed the adoption of the Declaration as it stands and placed specific emphasis on the importance of the right to self-determination. Collective rights were seen as a crucial component of the Declaration but not opposed to individual rights. Speakers stressed the importance of the concepts of consent and control regarding activities which take place on indigenous territories and everyone argued that recognition has to be made to ensure full and free access to the resources pertaining to their lands and territories.

Several governments supported indigenous demands for adopting the Declaration as currently drafted. Bolivia, Finland, Fiji and Switzerland were the most positive, while Chile, Mexico, New Zealand and Russia argued for some modification to the text. When analysing the text, however, Chile seemed to be conceptually in agreement with Finland in that it was concerned about self-determination threatening the territorial integrity of states. Mexico advocated taking on the wording of the ILO Convention 169 (a strategy adopted by the Organisation of American States for its draft Declaration which is receiving much criticism from indigenous peoples). Peru was more positive than in the previous year but advocated substantial modifications and raised the question of definition.

Articles 12, 13, 14, 24 and 29 - Culture

These articles cover cultural and religious rights as well as providing protection for indigenous intellectual property. Indigenous peoples

were fully in agreement with the text, whereas governments had several concerns. Some (including 'friendly' ones such as Norway and Australia which largely supported the draft) were uncomfortable about the idea of securing the restitution of indigenous property to traditional owners. They wanted reference to other third party ownership. However, the indigenous response to this has been that indigenous peoples are the owners of their own culture and that all cultural, intellectual, religious and spiritual property taken without their free and informed consent or in violation of their customs should be restored.

A concern raised by France and a few other governments (but mentioned several times in 1995) was the question of what has been called 'positive discrimination'. They considered that the adoption of 'special measures' to support indigenous peoples contradicts the notion of equality of citizenship. This concern was addressed by making it plain that 'special measures' are not intended to create an inequality between indigenous and non-indigenous, but to secure a 'standard of living which is on a par with others in the same country'.

A few governments (notably Brazil, France and Russia) also raised the objection that national legislation should be the guiding principle for passing the Declaration, and a disclaimer should be made to bring the text into line with existing national legislation. However, in 1995, legal experts agreed unanimously that a Declaration is a document which establishes a visionary perspective of the world and as such should not, and cannot, be designed on the basis of already existing national legislation; rather national legislation should be reviewed in the light of the Declaration (as mentioned in Article 37).

Several governments (France, Switzerland, the Netherlands and Sweden) considered that cultural rights should be qualified to ensure that indigenous peoples respect current international law. However, indigenous peoples have regularly pointed to the fact that Article 33 already ensures that all indigenous institutional structures, juridical customs, traditions, procedures and practices should take place 'in accordance with internationally recognised human rights standards'.

Articles 1, 2, 43, and 42, 44, 45 - Human Rights

This cluster of articles connects indigenous peoples to general human rights standards. It guarantees them full enjoyment of all human rights as individuals and peoples, and as male and female, all within the framework of the UN Charter. Furthermore, the Decla-

ration is seen as minimum standards which cannot be interpreted as diminishing indigenous rights in the future. Indigenous peoples fully supported the articles as did New Zealand, Finland, Denmark, Australia and Norway.

Practically all the governments accepted these articles in principle. However, a possible point of contention stemmed from the distinction between collective and individual rights which was discussed at length in 1995. Then, international legal experts made it plain that international law from the Convention on Genocide and the Covenants on human rights to the ILO Conventions 107 and 169 all recognise collective rights. The line up from 1995 remained broadly the same: Norway Finland, Denmark, Australia, Fiji, Bolivia and Colombia for example have no problem; Brazil wants the concepts clarified but accepts collective rights; the Netherlands wants the relationship with individual rights clarified, while France, USA, Sweden and Japan are opposed.

Articles 5, 9 and 32 - Nationality and Institutional Membership
These articles recognise the right of indigenous peoples to be citizens of the nation-states in which they live and to identify and choose the membership of their own institutions. Indigenous peoples supported these articles as did the governments of Fiji and Finland. A few governments had difficulties in grasping some of the concepts - Malaysia did not know what an 'indigenous nation' was and several representatives were confused at the notion of 'indigenous citizenship' in Article 32.

A criticism was made that there was an overlap between Article 32 and the others and it should therefore be deleted (Brazil and Japan). However, indigenous peoples consider that Article 32 is significant because it is a fundamental statement that indigenous peoples must determine their own membership and citizenship. This is distinct from the earlier articles which guarantee their right to be citizens of states and members of an indigenous people. Nevertheless, this section was comparatively uncontroversial.

Articles 15, 16, 17 and 18 - Education, Media and Labour (Part IV)
This cluster of articles recognise the indigenous right to control their educational systems and ensure that teaching and the media reflect their languages and traditions. Article 18 guarantees indigenous peoples' labour rights. Indigenous representatives, as in all cases, supported these articles fully.

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On the whole governments supported these arguments. France was concerned that the effect of recognising indigenous peoples' right to control their education could lead to parallel systems, while Brazil expressed concern at the administrative consequences for countries with many indigenous peoples. New Zealand raised the problem of financial obligations on the part of states to ensure that indigenous peoples have the resources for education in their own language and culture. Several countries (Japan and France) said that the text of the declaration was too binding.

On the whole this was a largely uncontroversial cluster of articles. Indigenous peoples emphasised that they were seeking the means to ensure that they had the same opportunities as anyone else in the country and they stressed that bilingual and inter-cultural education was something which they themselves should define, not governments.

Articles 6, 7, 10 and 11 - Freedom from Genocide, Armed Conflict and Relocation

These articles cover the right to protection from genocide and ethnocide, prohibition on forced relocation and protection in times of war. On the whole governments were broadly in favour including Sweden, Colombia, Norway, Fiji and Finland. One concern was the desire by some governments to ensure that forced relocation is sometimes necessary, particularly in times of war (Malaysia and Brazil). A few governments objected to the term cultural genocide (Chile and the USA), while others felt that special protection in times of war was unnecessary beyond the already existing international legal provisions (France and Canada). All of these points had been made in 1995.

Indigenous peoples were opposed to this because they consider that in times of war or in states of emergency they are perfectly capable of requesting support from governments to relocate using their full and informed consent rather than having external decisions foisted onto them. Indigenous peoples are increasingly using the term 'cultural genocide' which has a longer history than 'ethnocide', going back to the original discussions of the Genocide Convention.

Articles 19, 20, 22 and 23 - Participation in National Politics, Provisions to Improve Conditions and Development

These articles provide for indigenous peoples' right to participate at all levels of decision-making which affects them and obtaining

consent before devising legislation which affects them. Article 22 looks at providing for social and economic needs and Article 23 covers the right to development.

Governments on the whole supported these articles (particularly Mexico, Denmark, Fiji, Chile, Colombia and China. However, Canada, Colombia and Japan were concerned that indigenous 'individuals' were gaining special rights over and above other citizens. The USA was the only country to question the right to development.

Indigenous peoples point out that they are not seeking 'special rights' but the means to ensure that they have the same opportunities as others and that they can control their own lives on the basis of their rights as indigenous peoples. This point has been made repeatedly but needed to be explained continuously.

Articles 4,8, 21 and 33 - Preserving Identity, Institutional Recognition and Protection

This cluster of articles covers indigenous peoples maintaining and strengthening their political, economic, social and cultural characteristics, including their systems and institutional structures.

France opposed all of these articles, whereas Norway, Sweden, Colombia and Russia were in favour. Brazil, Malaysia and Japan were opposed to the term 'indigenous legal systems', although Australia and Chile merely wanted clarification on this point. The US required more general clarification. With the exception of France, the governments seemed, on the whole, broadly in favour of the articles; however, it is uncertain as to the extent to which they would weaken the text in a drafting exercise.

Indigenous peoples consistently argue that without full recognition of their own organisational systems and structures, they cannot exercise control over their own lives. 'Indigenous legal systems' is a phrase of considerable importance because it reflects the existing means whereby indigenous peoples make decisions and resolve disputes. Without recognising these, the distinct nature of indigenous peoples' identity is ignored.

Articles 25 and 26 - Lands and Territories

These articles look at the rights of indigenous peoples to own, develop, control and use their lands and territories. Indigenous peoples were strongly in favour of these articles as essential for the minimum recognition of their rights.

Governments broadly expressed agreement with the philosophical aspects of Article 25 and most were in agreement over the provision and protection of resources in Article 26. However, whereas Australia, Finland, Norway and Fiji favoured the text with a few minor clarifications relating to national situations, Sweden, the USA and Brazil were concerned about the extent to which ownership was recognised. They advocated the terms 'own, develop, or use' to replace 'own, develop and use' in the text. This could have the effect of limiting the scope of ownership to one of the three aspects rather than embracing all of them.

The other point which was raised in the discussion was the use of the term 'territories'. Japan and Ecuador were not comfortable with the notion of territory which they see as a state concept. Canada's suggestion was to see territory as based on usufruct rights rather than ownership. Indigenous peoples and the friendly governments were clearly in disagreement with limiting ownership of their lands, territories and resources.

Lands and territories are extremely important for indigenous peoples. Territorial rights are a fundamental part of their political organisation and also expresses the holistic totality of their environment which the term 'lands' does not cover. Ownership is a major aspect of these articles because without this right recognised indigenous territories can become prey to outside interests intent on plundering their resources.

Articles 27, 28 and 30 - Environment and Restitution

This cluster looks at the importance of restituting lands and territories of indigenous peoples which have been taken without their consent and, where this is not possible, to arrange for compensation. The other articles cover environmental conservation, protection of indigenous territories and indigenous control over development on their lands and territories. Indigenous representatives consistently defended these articles as written.

Governments took different positions on this. Colombia was the only friendly government to speak during this section and fully supporting the existing text. The governments of Ukraine and Japan wanted the articles to conform with national legislation, while Sweden, France and Brazil were not in favour of indigenous peoples' 'free and informed consent' as this was tantamount to a 'veto'. A few countries (France, Sweden and Brazil), were not in favour of

prohibiting military activities on indigenous territories. The idea of providing compensation for indigenous peoples was also not popular with France.

Indigenous peoples regularly insist that the Declaration is not bound by existing national legislation. Furthermore, restitution should be seen as an obligation arising from the colonisation of indigenous territories and the loss of resource potential. Indigenous peoples want control over their lands and territories so that they can ensure that hazardous waste is not dumped on their lands and that their territories are not used for dangerous nuclear testing or other military activities.

Articles 36, 37 and 39 - Treaties, National Legislation and Procedures for Conflict Resolution

These articles cover the recognition, observance and enforcement of treaties and other agreements, the incorporation of the Declaration into national law and procedures for resolving conflicts and disputes with states taking into account indigenous peoples' customs and legal systems. Indigenous peoples fully supported the current text as did the governments of Colombia and Finland. Chile, Venezuela and Brazil agreed broadly but wanted to ensure that the Declaration was implemented in a domestic national context.

The only comments on the treaties came from the USA and Canada which asserted that they should be seen as national agreements not something to be resolved in international fora. This is clearly not the view of indigenous peoples who have signed treaties with states. The main complaints came from France, Canada and to some extent Sweden which wanted the Declaration to be applied in a less mandatory manner.

The indigenous perspective argues that national negotiations sometimes need international arbitrators when agreements cannot be found. They insist on the international recognition of their treaties. Governments which complain of the mandatory nature of the Declaration are mainly concerned about the moral obligations which the text imposes on them. However, indigenous peoples consider that governments do have obligations to ensure their well-being.

Articles 35, 38, 40 and 41 - Border Rights, Financial Assistance and UN Support

This cluster is a rather incoherent combination of articles. The first covers the rights of indigenous peoples living across borders and

was on the whole approved - although France thought it too broad. Several countries (the USA, Australia, Chile and Brazil) were concerned about the financial implications of implementing the Declaration and were reluctant to find themselves committed to expenditure for indigenous peoples.

All agreed that the UN and international agencies should contribute to the implementation of the Declaration. Some wanted to use wording from the Minorities Declaration to this effect, but indigenous representatives do not consider that the Minorities Declaration is of much use in their context and prefer to keep the text as it stands. Once again, some governments express concern that they will be obliged to support indigenous peoples financially and with technical assistance. This position demonstrates that states would like all rights arbitrated by governments while all obligations are taken over by inter-governmental bodies. In this way they control indigenous peoples and are not obliged to contribute anything.

Articles 3, 31 and 34 - Self-determination

The Chair had intentionally kept the discussion on self-determination until the end, although several governments had already referred to the subject in their general comments. This cluster deals with the assertion of the right of self-determination for indigenous peoples in Article 3 and also the Article 31 example of self-determination as autonomy and self-government on their internal affairs. Article 34 looks at the relationship between self-determination and individual responsibilities.

A large number of governments were in favour of these articles such as Colombia, Bolivia, Fiji and Denmark. Chile and the Philippines sought further clarification. Those opposed were the USA, Brazil, France and Argentina.

The most dramatic moment came in the statement of the representative of Canada when he said: 'I wish to state at this point that the Government of Canada accepts a right of self-determination for indigenous peoples which respects the political, constitutional and territorial integrity of democratic states.' This constitutes a major change in the complexion of the governments because Canada, since the time of the revision of ILO Convention 169, has consistently referred to 'indigenous people' and not accepted the notion of self-determination in its collective sense. This shift among one of the major governmental actors in the meeting demonstrates clearly

that with explanation and determination on the part of indigenous peoples, it can become possible for states to understand indigenous peoples' views of their rights.

Conclusion

Government Positions

In 1995 IWGIA worked with several indigenous representatives to build up a general schema of how governments relate to indigenous peoples. The friendly governments were warm, those which were broadly in agreement with the Declaration but wanted some clarification were lukewarm; the tepid governments were not hostile but not really supportive, while the cold governments were primarily negative in their attitude.

1996 has seen some substantial changes. The Asian governments were remarkably silent in 1996. Only Malaysia and the Philippines made a few statements. To some extent this is a positive move in that governments such as India were listening to the discussion and seemed open to discussion. The movement of Canada from 'tepid' to 'lukewarm' (to place them as warm might be premature) is significant. In contrast, Sweden's position was more tepid in 1996. Peru and India show signs of positive movement over the year. Several governments did not attend this year, the most conspicuous absentees were the Arabic and African countries (with the exception of South Africa).

The current situation is as follows where (C) means member of the Commission on Human Rights, * means an improvement and # means a deteriorating position:

Cold	**Tepid**	**Lukewarm**	**Warm**
Active Participants			
Brazil (C)	Malaysia (C)	Canada (C)*	Australia (C)
China (C)	Philippines (C)	Mexico (C)	Colombia (C)
France (C)	New Zealand	Russia (C)	Finland
Japan (C)	Sweden #	South Africa *	Bolivia
USA (C)	Peru (C) *	Chile (C)	Denmark (C)
Argentina	Ukraine (C)	Norway	Fiji
	Ecuador (C)		

Silent Countries based on discussions and last year

Bangladesh (C)	Indonesia	El Salvador	Cuba (C)
Nigeria	Nepal	Panama	Nicaragua
	India (C) *	Spain	
	Germany	United Kingdom (C)	
	Venezuela (C)	Pakistan (C)	
		The Netherlands (C)	
		Estonia	

Unknown Quantities
Austria (C), Costa Rica, Ethiopia (C), Honduras, Italy (C), Morocco, Thailand, Vietnam

A general conclusion which can be gained from this is that there have been signs of positive movements among four countries and deterioration with one (Sweden). The observers were fewer in 1996 (no Arabic and few African countries) while the Asian countries were largely silent - indicating a willingness to listen. However, Argentina is a new candidate for the negative column. Countries to watch over the next 12 months are Nicaragua and Australia which have both had elections where the new rightest governments may weaken their positive position.

Achievements of the Session
The second session of the Open-ended Working Group was a complicated process. On the one hand, indigenous representatives tried a different strategy from 1995. Instead of arguing for a gradual movement of discussion and persuasion, they took an assertive position, arguing for the immediate adoption of the Declaration and changes of procedures at higher levels of the UN. The reaction of the Chair was abrupt and the reaction of the indigenous caucus was to walk out. However, a complementary arrangement emerged over subsequent days where those inside and outside the room worked together on two fronts: to defend the Declaration as it is currently drafted from within the plenary and to promote full and equal participation of indigenous peoples in future sessions through informal dialogue with the governments outside the session.

In spite of the brinkmanship and tension at various points in the meeting, the net result was positive. The original aim of indigenous peoples was that the Declaration should not be opened up for redrafting. Yet throughout the year governments and observers had

warned that this would be inevitable. However, at the end of the second session, the Declaration is still intact and what is more, a major governmental player, Canada, has demonstrated that it is prepared to listen to indigenous peoples and be flexible. This change of position after 10 years has perhaps been the most significant event of the session.

The second important achievement of the session has been that the Working Group has agreed to suggest to the Commission on Human Rights that modalities of participation should be discussed at the next meeting of the Commission in March. Although the final text of the resolution did not include all the items which indigenous peoples wanted, the subject-matter is now ready to be placed on the CHR agenda and friendly governments and indigenous peoples are prepared to follow the recommendation through.

The consequence of this is that indigenous peoples have to be present at the UN Commission on Human Rights in order to push for their full and equal participation in future meetings. This is extremely important because indigenous peoples are finding that an increasing number of activities are taking place at the governmental levels of the UN - particularly the Decade, the Permanent Forum and the Declaration. For these to have any legitimacy and relevance to indigenous peoples, there has to be a full and equal participation of indigenous peoples at the meetings.

Lessons Learnt and Future Work

The main lesson learnt at this session of the Open-ended Working Group is that both governments and indigenous peoples are nervous about the future of the Declaration. When indigenous peoples fear that the text is to be opened up, they shift from their gradualist, collaborative approach to dealing with the text and take up a strong position which can be just as intransigent as that of the USA, Brazil or Bangladesh. This confrontation is sometimes necessary, but it does place risks on the future of the Declaration.

The Declaration is not a document made by indigenous peoples and it does not even 'belong' to indigenous peoples. However, for it to gain legitimacy at an international level it must have indigenous participation and consent. An important lesson from this year is that without indigenous peoples present in the room, the whole exercise became a discussion about the rights and duties of governments in relation to indigenous peoples, not a Declaration for

indigenous peoples themselves. In order for the Declaration to move ahead, indigenous peoples have to give their consent.
At the same time, governments say that they need to demonstrate that the Declaration is moving forward and that the Working Group is not becoming a talking shop. The original idea of governments was to start drafting, but indigenous peoples refused to co-operate. The result is that a way has to be found which moves the process forward without opening up the Declaration. Several governments and indigenous peoples are discussing an approach which could find a way through this difficult situation.

The approach is to see what the main areas of difference are by identifying concepts over which there is not yet agreement. By discussing the text as it stands and requesting governments and indigenous peoples to identify what the terms mean to them, consensus can be found on substantive meaning. Once there is conceptual agreement, the substantive issues will be resolved. Then the Declaration can be looked at technically to reflect the agreements already made.

One of the most common comments by governments is that they need the text clarified. To some extent this is a diplomatic way of expressing disagreement. However, this year it became clear that some governments and indigenous peoples do not share a common interpretation of the Declaration. Some of the lack of clarification is because governments genuinely do not understand what indigenous peoples want. The positive approach would be that for the next few years specific items would be clarified such as collective rights, self-determination, territoriality, recognition of indigenous legal systems, responsibilities of governments, intellectual property and cultural heritage. The aim would be to reach a consensus between governments and indigenous peoples as to substantive content of these rights. This would enable the dialogue to continue on a constructive basis without encountering a deadlock of the proceedings, which so nearly occurred in this session of the Working Group.

INDIGENOUS ISSUES

The 53rd session of the Commission on Human Rights

by Inger Sjørslev

The 1997 meeting of the Commission on Human Rights took place from 10 March to 18 April, in Geneva as is tradition. This was the second time indigenous issues were found on the agenda as a special item. Moreover, indigenous representatives had had more time than in 1996 to prepare for participation on this agenda item, which was scheduled for 1 April. An indigenous preparatory meeting was held on 31 March in the World Council of Churches. Some 40 indigenous and NGO representatives participated. As in previous years, the indigenous preparatory meeting was called and organised by Kennet Deer of the Mohawk Nation, who chaired the session.

Many issues were discussed during the afternoon session, including ongoing and planned studies - the ongoing one on treaties and a planned one on land rights -, the permanent forum and the idea of creating a special rapporteur on indigenous issues. Most of the meeting, however, concentrated on procedural issues and the questions that were called forth by the occurrences at the intersessional working group in 1996, as related in the previous chapter of this yearbook. A lengthy discussion was held on the possibility of requesting special measures under agenda item 24, in order to allow indigenous people to speak as themselves, without having to seek speaking time from a NGO with ECOSOC status. 'The NGO status is outdated for indigenous peoples,' stated one representative, suggesting that this issue be dealt with before the next meeting of the Commission. It was also reported that some governments were favourable to the idea of indigenous people speaking without NGO credentials.

The decision on rules of procedure and speaking time is taken by the Bureau, and there does not seem to be any reason why a NGO

could not accredit a number of speakers. A decision to allow this can be taken by the Chair, after consultation with the Bureau. In connection with this, it was suggested that the indigenous people ask for suspension of the rules of procedure for the agenda item on indigenous issues, with the argument that this would allow the Commission to take advantage of the expertise available from indigenous persons present. The meeting thus decided to approach the chairman of the intersessional working group, Ambassador José Urrutia, to request advice and support on these procedural matters, and aim for a solution to these before the next intersessional working group meeting. During the Commission meeting it appeared that it was too late to seek any procedural changes at the present meeting. The suggestion was, however, that the indigenous people should work slowly to open up more and more doors for their participation in a non-threatening manner. It was also emphasised that the rules are more restrictive in the Commission, but that it would be possible to aim for more flexibility in the next intersessional working group. A series of meetings with the chairman during the Commission meeting resulted in a consensus between the chairman and the indigenous representatives on this matter.

The discussions on the Declaration focused on how to deal with the governments that are opposed to the Declaration. Several suggestions for strategies were made including adoption and immediate implementation of the Declaration among the indigenous peoples themselves; to lobby for adoption and use in political climates favourable to the Declaration; and to reach an agreement with governments on the points of the Declaration that are the least problematic, while creating a strategy for dealing with the controversial issues like self-determination and the question of land rights.

The draft resolutions of this meeting were also discussed. These were:

1) A resolution on the Working Group and the Decade, put forward by New Zealand;

2) A resolution on the permanent forum put forward by Denmark, the Greenland Home Rule Government and the Nordic countries; and

3) A resolution on procedural matters put forward by Canada.

Further meetings on these draft resolutions were held during the following days.

On 1 April, agenda item 24: 'indigenous issues', was opened. Altogether, around ten governments and twenty indigenous representatives and NGOs spoke on this item, which ended on 2 April, after having included an evening session on 1 April.

Ambassador José Urrutia opened the agenda item, reporting on the intersessional working group. The chairman emphasised the need to create a climate of thrust and said that the only possibility of overcoming problems lay in imaginative thinking and in mutual respect among all those involved. He also emphasised the need to look at the participation of indigenous peoples in order for substantial negotiations to begin and said that the intersessional working group depended on the guidance of the Commission on this issue. While using the term 'indigenous peoples' himself, the chairman said that the problem of whether to use the term 'peoples' or 'people' was not yet solved.

Among the governments, China and several other Asian countries called for a definition of indigenous people. The Australian Government, which has previously been active and positive towards indigenous issues, has now, with the change of government adopted a more passive and conservative attitude, with much less respect for indigenous peoples' opinions. Latin American governments were generally favourable towards the issue and several of them mentioned the need to discuss the creation of a permanent forum. The speech by the Nordic countries was held by Mr. Hans Pavia Rosing, a Greenlandic member of the Danish Parliament, who emphasised the need for a second workshop on the permanent forum and urged the Commission to take quick and decisive steps towards the establishment of a permanent forum for indigenous peoples. The Nordic countries further regarded the adoption of a declaration as a major objective of the International Decade of the World's Indigenous Peoples.

Many strong and important interventions were made by the indigenous representatives. They addressed many specific issues, but most of them at the same time advocated for the adoption of the draft Declaration and emphasised the necessity to find a solution to the problem of indigenous participation. Also, the permanent forum and the need to hold a second workshop were mentioned by several speakers.

Within the same week a number of informal meetings were held, some with the chairman of the intersessional working group, Am-

bassador José Urrutia, some with exclusive indigenous participation, and a few with governments. One meeting was called by the Canadian and the Danish governments with the support of many other government delegates. This meeting discussed the draft resolutions that were on the table. Both the one on the Decade and the Working Group and the one on participation led to a number of critical remarks on the part of the indigenous representatives. The indigenous people preferred separate resolutions on the Working Group and the Decade. The government argument for merging the two was that the Commission wants to rationalise. A less official argument could be, however, that the fewer resolutions on indigenous issues the less emphasis on this subject.

On the question of participation, all the indigenous representatives emphasised the necessity of indigenous peoples to be part of the process and said that the problems faced now will increase in the future. Indigenous people will arrive at the Commission in greater and greater numbers, and some changes will eventually have to take place to accommodate these people as equal partners and to avoid the need to seek accreditation with NGOs unrelated to the subject in order to be able to speak.

Finally, the issue of the study on land rights was addressed, and eventually a resolution on this study was passed, along with two other resolutions on already running activities in the Subcommission. Three resolutions were thus put forward from the Subcommission: one on the treaties study, which will be concluded soon, one on the study of cultural heritage, and one on the proposal to draft a report on indigenous peoples and land rights. This last resolution had met opposition from some governments, which maintained that such a study should not be initiated while the intersessional working group on the draft Declaration was treating the issue. This resolution had, however, been strongly lobbied for by some of the indigenous representatives and was fortunately adopted in the end.

The resolutions from the Subcommission were adopted by consensus and without a vote, like the other three resolutions adopted, which were the following:

1) The resolution on the permanent forum, introduced by the Danish-Greenlandic delegation: 36 members supported the resolution. The main point in this was the holding of a second workshop on the permanent forum, by the end of June, Chile being

the host. The problems had been mainly demands from the US that all expenses should be voluntary. A compromise was reached on this question.

2) The resolution on the intersessional working group, put forward by Canada: This resolutions corresponded largely to the resolution of last year. No changes had been made in the formulations concerning indigenous participation and accreditation. The indigenous representatives had wanted this, but governments, particularly Bangladesh had wanted a tightening of the rules. The compromise was thus to keep last years formulations. The indigenous peoples' hesitant consent to this must be seen in the light of the informal consultations held with the chairman and the agreements to continue to hold such meetings, in order to avoid the tumultuous occurrences of last year.

3) The resolution on the Working Group and the Decade, put forward by New Zealand, which had taken over this issue from Australia - which wants to keep a low profile on this issue. The merged resolution was kept, due to pressure mainly from a number of Asian governments that want to streamline and rationalise the work of the Commission. This resolution called for the High Commissioner for Human Rights to take over the activities of the Decade. The part of the text that concerns the Working Group was mostly of a procedural character.

This year was the first time the indigenous peoples had the chance to prepare their representatives' participation at the Commission level under the agenda item 'indigenous issues'. This chance was well taken advantage of, and the indigenous peoples were well represented. There were few Asians, however, and hardly any African representatives. This is regrettable, and those representatives who were there, would surely profit from a stronger representation from these important parts of the indigenous world. The co-operation among those present was intense and fruitful. The issue of participation was the most important one, when seen in a long-term perspective. And, as also revealed by the previous chapter on the intersessional working group, this issue will no doubt have to be taken up again, and the indigenous peoples will have to prepare well for the next round of negotiations, both in the intersessional working group and next year's Commission.

The permanent forum was another issue which will have hopefully been taken one step further before the next meeting of the Commission. The second workshop will have taken place before that, and it can only be hoped and advised that the indigenous peoples - particularly in Asia and Africa where there has not yet been much opportunity for discussing hopes and wishes for the forum - will use the time to discuss among themselves how they want to be represented and what their aspirations are for this forum, which should not be regarded as a substitute for the present UN Working Group on Indigenous Populations, but as a high level body within the UN, to deal exclusively with indigenous issues in a constructive co-operation with governments and UN bodies and with the advice of independent experts.

At the 1997 session of the Working Group on Indigenous Populations there will be opportunities for discussing both the permanent forum, on the basis of the results of the second workshop, and the issue of participation in the next intersessional working group of the draft Declaration. It is likely that the tumultuous experiences of the 1996 session can be avoided, due to the good and trustful atmosphere established with the chairman, José Urrutia, and the shared understanding of the problems.

The final fate of the draft Declaration is, however, as uncertain as ever. It is to be hoped that points of consensus can be found and that governments and indigenous peoples will work together to find a constructive way of dealing with the problematic articles. This should take place within a process of mutual education, which, as has often been emphasised by indigenous representatives, is what is needed to make this important and historic process continue and give fruitful results.

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THE INDIGENOUS WORLD

The International Work Group for Indigenous Affairs (IWGIA) is an independent, international organisation which supports indigenous peoples in their struggle against oppression. IWGIA publishes the IWGIA Documents Series in English and Spanish. The IWGIA 'Indigenous Affairs' (English) and the IWGIA 'Asuntos Indigenas' (Spanish) are published four times a year. The Documentation and Research Department welcomes suggestions as well as contributions to these publications.

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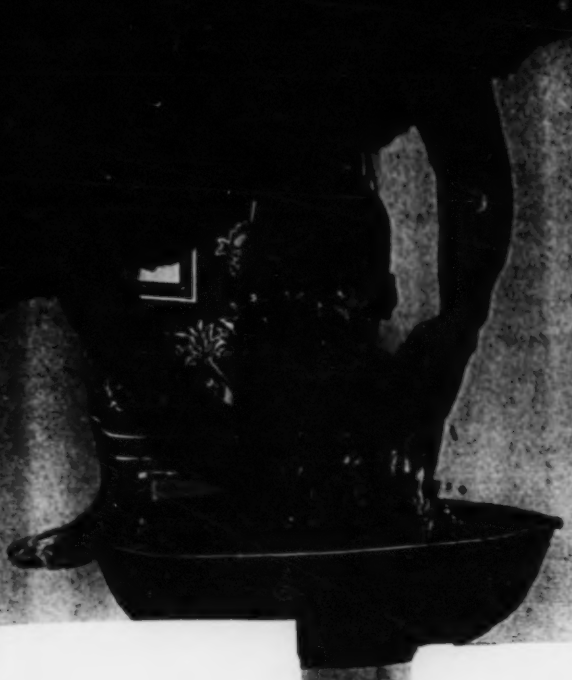
EL MUNDO INDIGENA

1996-97



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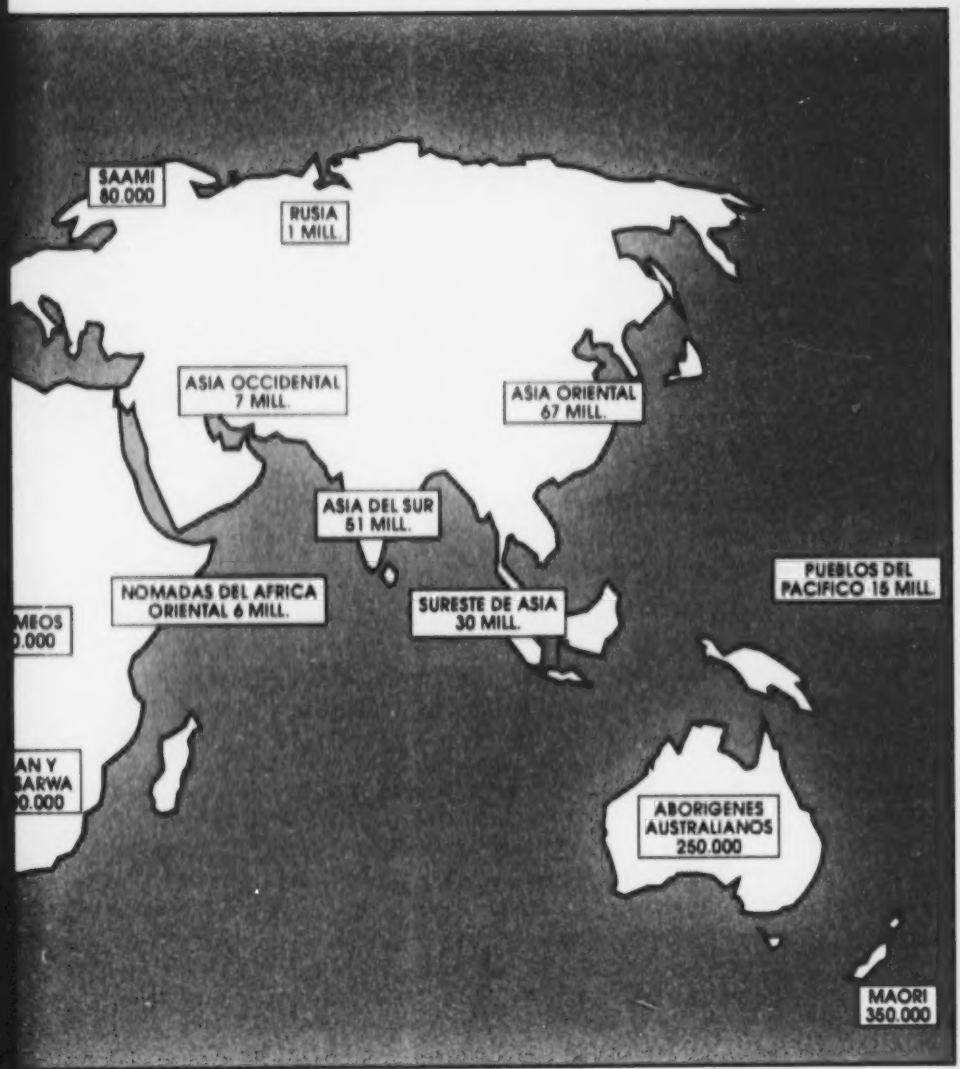

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INTRODUCCIÓN

Hace diez años que fue publicada la primera edición de "El Mundo Indígena" - en ese entonces llamado "Anuario de IWGIA". Fue posible debido fundamentalmente a la iniciativa de Andrew Gray, entonces director del Secretariado Internacional de IWGIA, quien también se hizo cargo de la tarea de hacer una revisión de las fuentes disponibles sobre acontecimientos regionales, escribiendo los respectivos artículos que brindaban una visión general, y haciendóse cargo de la compilación y redacción de las contribuciones de otros autores a los subsiguientes capítulos sobre derechos, asuntos y temas indígenas. Mucho ha cambiado desde ese entonces - mucho en beneficio del redactor, ya que virtualmente todas las contribuciones de la edición de este año han sido escritas por una serie de autores de todo el mundo. Muchos de ellos son personas indígenas. Esto no deber ser sólo considerado como un reflejo de la expansión de la red de trabajo de IWGIA a nivel de individuos indígenas, organizaciones y grupos de apoyo, sino indirectamente también a la evolución que tuvo lugar en la década pasada en el contexto del movimiento indígena global en general, el cual ha ganado en fuerza interna y -consecuentemente- en reconocimiento externo en el marco de la comunidad internacional.

Aunque todavía lejos de un importante avance definitorio, la lucha inflexible de los pueblos indígenas por el reconocimiento de sus derechos dentro del sistema de la ONU ya brindó sus frutos: la Declaración preliminar sobre los Derechos de los Pueblos Indígenas ha llegado a la Comisión de Derechos Humanos en 1995, el primer nivel en el largo y arduo ascenso, a través del Consejo Económico y Social, hasta la Asamblea General de la ONU, donde eventualmente tendrá que ser aprobada. Aunque la Declaración preliminar está lejos de ser tan fuerte como los pueblos indígenas lo desearían, ellos están de acuerdo con la misma como definitoria de las mínimas normas aceptables para garantizar sus derechos. No obstante, mantener estas normas mínimas intactas durante el pasaje a través de las altas esferas, sumamente politizadas, del sistema

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de la ONU, es una tarea difícil. Como muestra la contribución de Jens Dahl y Andrew Gray en la Parte II de esta edición, los pueblos indígenas han tenido éxito hasta el momento.

Aunque la situación de los derechos humanos y legales de los pueblos indígenas ha mejorado en algunos países, en la mayoría de los otros ha ocurrido muy poco progreso, o ninguno; incluso puede haber empeorado. El lector interesado puede simplemente hojear el Anuario de 1986, y él o ella encontrarán muchos temas que están tratados otra vez en la edición de este año. Como se informó en 1986, por ejemplo, los *lubicon cree* de Alberta, Canadá, todavía no tienen derechos a sus territorios y tienen que luchar una ardua batalla contra las compañías petroleras y madereras respaldadas por el gobierno. Y ya en 1986 se informaba sobre las dificultades de las comunidades "longhouse" (comunidades que viven en una sola casa larga) de Sarawak, Malasia, que corren el riesgo de ser reasentadas, debido a la planeada represa Bakun. Ahora, diez años más tarde y a pesar de la oposición de los pueblos indígenas afectados, con apoyo nacional e internacional, la construcción de la represa ha comenzado.

Se podrían mencionar varios otros casos de larga data, otros pueden no haber sido tratados en 1986 o en el anuario de este año. En algunos casos los pueblos indígenas han logrado afirmar sus derechos y resistir la invasión de sus territorios. Pero surgen nuevas amenazas -tanto en viejos como nuevos disfraces- con la continua y acelerada expansión de la explotación de los recursos naturales y la construcción de infraestructura por parte de empresas privadas y estatales, o con la constante invasión de los territorios de los pueblos indígenas por parte de colonos. Cuánto ha permanecido incambiado, qué nuevos temas surgieron y dónde ocurrió un cambio en el énfasis durante la década que IWGIA ha monitoreado los acontecimientos en el mundo indígena, puede ser constatado a partir de la comparación del sumario temático presentado en el informe de 1986 con los temas tratados en esta edición. A continuación presentaremos una breve visión general:

1. Militarización y violación de los derechos humanos

Todavía muchos territorios -como Chittagong Hill Tracts o Timor Oriental y gran parte de Papúa Occidental y Birmania- están virtualmente sitiados o bajo una decidida ocupación militar, y se informa de serias violaciones de los derechos humanos. En Colom-

bia, los pueblos indígenas sufren por la continua presencia de grupos paramilitares en sus territorios, y en Chiapas (México), las negociaciones de paz con el EZLN están detenidas.

2. Hostigamiento de líderes indígenas y miembros de comunidades
En esta edición se informa de casos de Sarawak (Malasia), donde líderes indígenas han sido encarcelados, y todavía lo están, debido a su oposición a la explotación maderera en sus territorios.

3. Colonización
Tal como lo exhiben algunas de las colaboraciones de este año, los proyectos de colonización iniciados por el gobierno todavía están en curso en Indonesia, y la invasión de tierras indígenas por colonos no-indígenas es todavía un importante problema en Chittagong Hill Tracts y las Filipinas. Timor Oriental todavía sufre la ocupación indonesia. Pero se informa de más casos de colonización interna en esta edición, en Ghana, Níger y Bougainville. Y en Kalimantan Occidental, la inmigración de colonos de hace ya décadas y la continua invasión de sus territorios ha conducido a un levantamiento masivo con gran cantidad de víctimas (ver capítulo sobre Indonesia).

4. Invasión de territorios indígenas por compañías nacionales y multinacionales
La explotación de territorios indígenas por compañías nacionales y multinacionales -generalmente respaldadas por el gobierno- que se dedican a la minería, la explotación maderera, la perforación y exploración de petróleo, está aumentando constantemente. Los casos tratados en esta edición pertenecen a Africa Ecuatorial, Ghana, Indonesia, Malasia, el Pacífico, Perú y las Filipinas.

5. Ausencia de derechos territoriales
Algunos pueblos o comunidades indígenas han logrado que sus derechos territoriales fueran reconocidos, al menos en cierta medida. En esta edición se informa de mejoras en América del Sur, Sudáfrica, las Filipinas y Alaska. Pero todavía representan casos aislados y demasiado pocos para justificar un optimismo. En la mayoría de los países la ausencia de derechos territoriales sigue siendo el problema más importante que enfrentan los pueblos indígenas. En el caso de Kerala (ver capítulo sobre India) y Perú,

los promisorios acontecimientos iniciados en el pasado han experimentado incluso un atraso.

6. Reubicación forzada y asentamiento

La reubicación forzada y el asentamiento están estrechamente vinculados con los derechos territoriales. Los proyectos de infraestructura a gran escala son las causas más importantes. En esta edición se informa de casos de Malasia (represa Bakun), las Filipinas (represa San Roque) y Papúa Occidental (represa Memberamo). Las severas restricciones sobre el uso de la tierra o incluso la reubicación forzada impuesta por proyectos de conservación ambiental, como los casos de Tailandia (la nueva ley forestal), Indonesia (Parque Nacional Lore Lindu en Sulawesi Central), India (Parque Nacional Nagarhole) y Botswana (Reserva de la Fauna del Kalahari Central) son de creciente preocupación para los pueblos indígenas.

Aunque IWGIA trata de presentar una visión lo más completa posible de los acontecimientos sucedidos dentro del mundo indígena, la mera magnitud del objetivo llama a modestia en las expectativas. Con la creciente cantidad y magnitud de las amenazas que enfrentan los pueblos indígenas, el amplio abanico de respuestas que elaboran en defensa de sus derechos, y con la creciente consciencia e información sobre estos temas, cualquier intento en este sentido va a ser necesariamente permanecer parcial. No obstante, el hecho de que "El Mundo Indígena" haya sido capaz de mantener un cierto nivel de cobertura y continuidad a lo largo de los años es el mérito de aquellos que, algunos desde hace años, nos han provisto de artículos.

Contribuciones

IWGIA desearía expresar su caluroso agradecimiento a las siguientes personas y organizaciones por haber contribuido con *El Mundo Indígena:*

El Ártico

Jens Dahl, antropólogo, ex director y actual miembro del Consejo Internacional de IWGIA. Enseña em la Universidad de Copen-

hague, en el Departamento de Esquimología (*Alaska, Naciones Unidas*).

Marianne Lykke-Thomsen, ha estado vinculada a IWGIA durante muchos años. Ha trabajado para la Conferencia Circumpolar Inuit y trabaja ahora para el Departamento de Relaciones Exteriores del Gobierno Autónomo de Groenlandia (*Groenlandia*).

Olga Murashko, antropóloga, miembro activo del Grupo Nacional ruso de IWGIA (*Rusia*).

Claus Oreskov, antropólogo, miembro activo del Grupo Nacional danés de IWGIA durante muchos años. Organizó la conferencia de IWGIA celebrada en relación con la Cumbre Social de la ONU en Copenhague (*Saami*).

América del Norte

Andreas Knudsen, licenciado en lenguas comerciales en ruso e inglés. Periodista free-lance. Ha estado interesado en los indígenas norteamericanos desde hace muchos años. Ha sido miembro activo del Grupo Nacional Danés de IWGIA durante cinco años (*blackfeet, shoshone occidentales, timbisha shoshone, Leonard Peltier, lubicon*).

México, América Central y del Sur

Esta sección ha sido compilada y corregida por *Alejandro Parellada*, coordinador de proyectos de IWGIA y redactor responsable de "*Asuntos Indígenas*".

Heidi Moksnes, antropóloga, miembra del Grupo Nacional de IWGIA de Gotemburgo ha trabajado durante varios años sobre los pueblos indígenas de México (*México*).

Héctor Leiva es lingüista y colaborador de la Fundación Raíces (*Honduras*)

Hans Aalborg, historiador, trabaja actualmente en un programa de la Unión Europea en Guatemala (*Guatemala*).

Atencio López, abogado indígena kuna, director de la Asesoría Legal de los Pueblos Indígenas de Panamá y Secretario de Relaciones Internacionales de la organizacion Napguana (*Panamá*).

René Koupe, abogado, docente del Departamento de Antropología Jurídica de la Universidad de Viena (*Venezuela*).

Martin von Hildebrand, antropólogo, director de COAMA *(Colombia)*

Márcio Santilli es el coordinador del Programa Brasil Socioambiental del ISA (*Brasil*).

Rodolfo Asar, se desempeña como director de la imprenta de COICA en Quito (*Ecuador*).

Pedro García Hierro, agobado, ha sido asesor de las organizaciones indígenas de Perú durante 25 años. Actualmente es miembro de la ONG Racimos de Ungurahui (*Perú*).

Wilder M. Molina es sociólogo. Trabajó durante 3 años apoyando el proceso de gestión del territorio Isiboro Secure. Desde la ONG CIDDEBENI realizó diversos trabajos sobre el movimiento indígena de las Tierras Bajas.

María Liz Viveros, pertenece a la organización Tierraviva (*Paraguay*).

Morita Carrasco, es antropóloga. Se desempeña como docente en la Facultad de Filosofía y Letras de la Universidad de Buenos Aires y es investigadora de la misma facultad (*Argentina*).

Edisson Anguita es indígena mapuche coordinador general del Consejo Inter-Regional Mapuche (*Chile*).

Gonzalo Abella es licenciado en historia. Ha trabajado como docente en la Universidad de la República de Montevideo, San Simón de Bolivia y la Católica de Paraguay (*Uruguay*).

El Pacífico y Australia

Peter Jull, canadiense, ha sido asesor de las organizaciones aborígenes, de isleños del Estrecho de Torres y de los pueblos árticos; es miembro de la Unidad de Investigación sobre Australia del Norte de la Universidad Nacional de Australia (*Australia*).

Asia Oriental

Harald Boeckman, sinólogo, Miembro Investigador del Instituto Nacional de Investigación sobre la Paz, Oslo, Noruega. Sus campos

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principales de investigación son el surgimiento histórico de China y sus vecinos en una perspectiva histórica (*China*).

Lhavakau Rakerake, ex-presidente y actual Encargado de Vinculaciones de la Alianza de Aborígenes de Taiwán (*Taiwán*).

Sureste de Asia

Hilario Hosapple, Jr. es profesor de antropología en la Universidad de La Valetta, Malta y un ocasional colaborador de las publicaciones de IWGIA. Ha realizado trabajo de campo con los bondelswarts de Namibia y diferentes grupos dayak de Kalimantan. Su interés incluye movimientos contemporáneos indígenas, etnicidad y nacionalismo, guerra tribal y contemporánea y la antropología de la violencia (*Kalimantan, Indonesia*).

Jannie Lasimbang, kadazan-duzun de Sabah. Trabaja como instructora en PACOS (Partners of Community Organisations), un fondo establecido para las comunidades indígenas de Sabah. Desde 1984, ha participado activamente en la construcción de la red indígena, tanto local como internacionalmente y es actualmente la Presidenta del Pacto de los Pueblos Indígenas de Asia (AIPP) (*Sabah, Malasia*).

Colin Nicolas, es el coordinador del Centro para Asuntos Orang Asli (COAC), Kuala Lumpur, Malasia (*orang asli, Malasia*).

Prawit Nikornauychai, karen de la Provincia de Chiang Mai, en el norte de Tailandia, ha trabajado en una ONG de desarrollo para comunidades indígenas durante 12 años. Hace seis años que es miembro del personal de "Inter Mountain Peoples Education and Culture in Thailand Inc." (IMPECT), una ONG indígena con sede en Chiang Mai, donde actualmente trabaja como coordinador del Proyecto para la Juventud Urbana Indígena (*Tailandia*).

S. G. Padilla, Jr., Dr., Presidente de "Anthropology Watch" (Anthro Watch) un grupo de investigación y defensa de la población indígena de Filipinas, establecido en 1994. Es Profesor Adjunto de antropología en el Departamento de Ciencias Sociales, Colegio de Artes y Ciencias, Universidad de las Filipinas, Manila. Es también el Coordinador de Estudios Sociales y Humanísticos sobre la Salud de los Institutos Nacionales de la Salud (NIH) (*Filipinas*).

Ralph Rantor, profesor ocasional de Política, Filosofía, Antropología y Derecho en toda Australia y el Sureste de Asia. Ha trabajado intensamente con las comunidades aborígenes de Australia y los dayak de Borneo. Es el autor de "A Nation of Morons; Nationalism and the Politics of Intolerance in Australia, and An Uncompassionate Society; The Hegemony of Liberalism" (*Kalimantan, Indonesia*).

Torben Retboell, enseña Historia y Latín en la Katedralskole de Aaarhus, Dinamarca. Ha escrito y editado varios libros sobre los medios de difusión y asuntos internacionales, incluyendo dos documentos IWGIA. Produce un programa radial semanal, "El mundo a nuestro entorno", y escribe regularmente para el periódico "Dagbladet Arbejderen". Está actualmente preparando un nuevo documento IWGIA sobre Timor Oriental (*Timor Oriental*).

Telapak Indonesia, con sede en Bogor, Indonesia, fue formalmente establecida en 1996 por activistas de ONG y graduados universitarios en el campo del manejo de recursos naturales. El objetivo de Telapak es realizar investigación de alta calidad sobre temas claves de manejo de recursos naturales, traducir los resultados en una política persuasiva de defensa a nivel nacional y local, y trabajar estrechamente con ONGs locales y comunidades para que construyan su propia capacidad como administradores y defensores de los recursos (*Indonesia: Papúa Occidental, Molucas, Sulawesi*).

La información sobre Sarawak consiste de material re-editado provisto por la *Berne Declaration*, con sede en Suiza, una asociación independiente para la política del desarrollo que trabaja con el desarrollo sustentable, relaciones equitativas en el comercio, las financias e el intercambio cultural; y *Bruno-Manser-Fonds*, también con sede en Suiza, una organización de apoyo para los pueblos indígenas de las áreas de bosques tropicales, con especial interés en Malasia.

Asia del Sur

C. R. Bijoy, activista por los derechos humanos. Durante los últimos dieciséis años ha estado comprometido o asociado con temas y organizaciones indígenas de India y ha escrito sobre estos temas y otros temas vinculados (*India: Kerala, Tamilnadu, Karnataka*).

Avdhash Kaushal, ex-miembro facultativo de la Academia Nacional de Administración de Lal Bahadur Shastri (LBSNAA), y recep-

tor del premio Padma Shree del Presidente de la India por su trabajo atinente a la protección ambiental y con los pueblos indígenas en las áreas montañosas del norte de la India. Actual Presidente de "Rural Litigation and Entitlement Kendra" (RLEK), Dehra Dun, trabaja por el fortalecimiento de los indígenas van gujjar y jaunsari (*India: Uttar Pradesh*).

Pradip Prabhu es un abogado y ha trabajado para Kshatakari Sanghatna, una organización de pueblos tribales en Maharashtra durante los últimos 20 años. Es también el Coordinador Nacional del Frente Nacional para la Autonomía Tribal que une a más de 300 organizaciones tribales de toda la nación en su lucha por la autonomía Su principal actividad consiste en la construcción organizacional, formación de cuadros y capacitación de dirección. Su investigación es en historia oral y práxis de los movimientos y está estrechamente asociados con numerosos foros tribales (*India: Maharashtra*).

Jumma Peoples Network (JUPNET), una organización establecida y administrada por indígenas jumma con base en diversos países europeos y otros. JUPNET procura promover los derechos de los indígenas jumma mediante el diálogo, la negociación y otros medios pacíficos (*Chittagong Hill Tracts*).

Africa

Kirsten Andersen, es antropóloga de la Universidad de Copenhague. De 1993 a 1995 estuvo 18 meses en el norte de Ghana realizando trabajo de campo con los pueblos de la sabana. En el Departamento de Estudio de las Religiones de la Universidad de Aarhus hizo su tésis doctoral sobre Religión, Poder e Identidad entre los konkombas del norte del Ghana (*Ghana*).

Gunnvor Berge, antropóloga (Universidad de Oslo, 1985). Su interés principal es Africa occidental, Mali y los pastores nómadas. Su investigación doctoral versa sobre la adaptación ambiental y las estrategias nómadas para contrarrestar la incertidumbre de los tuareg del norte de Mali, y participó como uno de los tres investigadores responsables del programa interdisciplinario de investigación "Medio ambiente y desarrollo en Mali". Actualmente es investigadora en el Centro para el Desarrollo y el Medio Ambiente, Universidad de Oslo (*Mali*).

Mette Bovin, antropóloga (Universidad de Aarhus, 1970). Realizó extensos trabajos de campo con los fulani y los tuareg del Sahel, en Africa occidental. También produjo una serie de películas sobre la región. Actualmente forma parte del Grupo Nórdico de Investigación del Instituto Nórdico de Africa, Uppsala, Suecia, donde su proyecto de investigación -Nómadas de la sequía: estrategias de supervivencia- se concentra en las diversas respuestas a las crisis en los años de sequía de los diversos subgrupos fulani como los wodaabe y los fulbe (*sobre los wodaabe en Níger/Chad/Mali*).

Dorothy Jackson, tiene un doctorado en Ecología de los Bosques Tropicales (Universidad de Oxford) y ha realizado trabajo de campo en bosques tropicales y entomología en el norte de Tailandia, Columbia y Camerún. Está actualmente trabajando como Encargada de Proyecto en el Programa para los Pueblos del Bosque (FPP) del Movimiento Mundial para los Bosques Tropicales, cuyo punto más importante actualmente implica el monitoreo de las campañas internacionales y el desarrollo de la propia colaboración del FPP con esas campañas, particularmente en Africa; brindando apoyo administrativo y asesoramiento sobre política a la Alianza Internacional de los Pueblos Indígenas y Tribales de los Bosques Tropicales y su secretariado con sede en Londres; y procurando financiamiento y apoyo para proyectos locales (*Africa Ecuatorial, Ruanda*).

Charles Lane, tiene una formación en derecho, agricultura y ciencias sociales en Australia y el Reino Unido. Ha trabajado en Africa como voluntario VSO y luego como Director de Campo de OXFAM para Tanzania. Ha realizado amplias investigaciones y trabajo de campo con los pastores de Africa oriental, especialmente con los barabaig. Como consultor independiente, está actualmente asesorando a Supervivencia Internacional en un programa de tres años de apoyo a los derechos territoriales de los pastores de Africa oriental (*Tanzania, Kenia*).

Sidsel Saugestad, tiene una maestría en antropología (Universidad de Oslo) y ha hecho extensas investigaciones de campo en el norte de Noruega, Zimbabwe y Botswana. Su principal área de interés son los grupos étnicos y las fronteras, los pueblos indígenas, los derechos humanos y el cambio cultural. Actualmente es Profesora Adjunta en el Departamento de Planificación y Estudios Comunitarios, Instituto de Ciencias Sociales, Universidad de Tromsoe (*Botswana*).

Louis P. Vorster, antropólogo, profesor de la Universidad de Sudáfrica, enseña derecho consuetudinario africano. Presidente del Fondo !xu y Khwe (*Sudáfrica*).

Adebayo Olukoshi es un investigador nigeriano en el Instituto Nigeriano de Asuntos Internacionales, Lagos y del Instituto Nórdico Africano, Uppsala. Tiene un doctorado de la Universidad de Leeds, Inglaterra.

Parte II

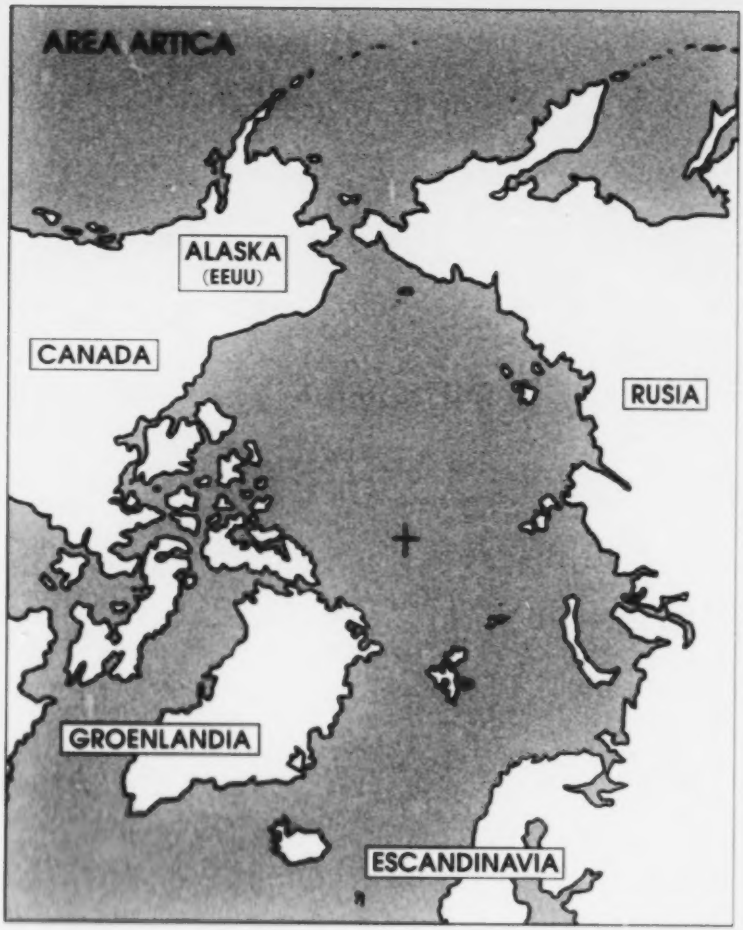
Andrew Gray, antropólogo, ex director y actual miembro del Consejo Internacional de IWGIA.

Jens Dahl (ver arriba, Ártico).

Inger Sjoerslev, antropóloga, directora del Secretariado Internacional de IWGIA.

PARTE I

EL MUNDO INDÍGENA


AREA ARTICA
ALASKA
(EEUU)
CANADA
RUSIA
GROENLANDIA
ESCANDINAVIA

EL ÁRTICO

La Estrategia de Protección Ambiental del Ártico integrará el Consejo Ártico

En septiembre de 1996, los 8 estados árticos, Canadá, Dinamarca, Finlandia, Islandia, Noruega, Rusia, Suecia y los EE.UU. acordaron finalmente firmar la Declaración del Consejo Ártico que prevé el establecimiento del Consejo Ártico. El consejo se convirtió en una supra-organización que comprende la existente Estrategia de Protección Ambiental del Ártico (AEPS) y futuras áreas programáticas como el Desarrollo Sustentable.

Los preparativos del Consejo Ártico conducentes a la primera reunión de Ministros de Relaciones Exteriores del Ártico en 1998, están presididos por Canadá, el cual presentó inicialmente la idea de un Consejo Ártico en 1991, inspirado por la Iniciativa Finlandesa conducente al establecimiento de AEPS en Rovaniemi, Finlandia, en 1991.

AEPS, actualmente presidida por Noruega, se está preparando para su última reunión de Ministros del Medio Ambiente del Ártico, a ser celebrada en Alta, Noruega, en junio de 1997. Mientras tanto, los 8 estados árticos, junto con los Participantes Permanentes representados por ICC, Consejo Saami y AIPON está preparando las Reglas de Procedimientos y Términos de Referencia para el Programa de Desarrollo Sustentable del Consejo.

La Conferencia Circumpolar Inuita (ICC)

En 1996, la Conferencia Circumpolar Inuita, ICC, recibió el Premio Ambiental del Consejo Nórdico por su destacado informe de proyecto sobre la implementación de la Agenda 21 de la Declaración de Río titulado "La Agenda 21 desde una perspectiva inuita". El informe contiene un análisis de la Agenda 21 en lo referente a su aplicación a los *inuitas* del Ártico. El Premio de 375.000 coronas danesas fue entregado a ICC-Groenlandia para efectuar una transcripción y adaptación del informe al groenlandés.

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Aqqaluk Lynge, Vicepresidente de ICC-Groenlandia, reemplazó a Rosemary Kuptana, ex-Presidenta de Inuit Tapirisat de Canadá (ITC) como presidente de ICC a fines del otoño de 1996. Rosemary Kuptana fue elegida presidente de ICC durante la Asamblea General de ICC en Nome, Alaska, en 1995. Aqqaluk Lynge, quien ha sido miembro del Consejo Ejecutivo de ICC durante muchos años, funcionará como presidente interino hasta la próxima Asamblea General de ICC a celebrarse en Groenlandia, en 1998.

GROENLANDIA

Desde los años 50 hasta hoy, el desarrollo de Groenlandia ha estado caracterizado por el hecho de que una serie de temas claves siguen apareciendo en el debate político y en la planificación societaria.

La introducción de la autonomía en Groenlandia en 1979 representó, tanto simbólicamente como en términos reales, un importante hito histórico. Esto significó la transferencia del gobierno danés al Gobierno Autónomo de Groenlandia, de los poderes políticos de toma de decisión en una amplia gama de áreas. Sin embargo, también incluyó la transferencia de la responsabilidad de tratar los muchos problemas no resueltos vinculados con el desarrollo de la sociedad groenlandesa para lograr una mayor independencia económica.

En lo que respecta a la obtención del control del desarrollo económico, uno de los mayores desafíos ha sido la toma de control sobre el sector industrial entre 1979 y 1985.

En este proceso, el medio más importante de conducción política fue la propiedad pública y el control sobre las compañías más importantes en las áreas de la industria y el comercio, la pesca y la infraestructura.

Restructuración de las compañías de propiedad del Gobierno Autónomo

La agenda política de Groenlandia sigue reflejando el actual proceso, iniciado a comienzos de los años 90, con el objetivo de mejorar las condiciones de desarrollo del sector industrial groenlandés.

Una de las áreas definidas por este proceso ha sido la reducción de la capacidad excedente de las compañías de propiedad pública, de manera de reducir los precios e impulsar la competitividad. Si bien es en muchos aspectos un proceso doloroso, sin embargo, ha sido realizado con un consenso político general.

Para lograr estos objetivos, la compañía pesquera Royal Greenland, de propiedad del Gobierno Autónomo, se ha visto forzada a clausurar una serie de plantas pesqueras comercialmente no sustentables. No obstante, para evitar el desempleo, el Gobierno Autónomo y Royal Greenland acordaron promover una producción pesquera alternativa en estas plantas mediante subsidios gubernamentales y proyectos generadores de fuentes de trabajo. La selección de los proyectos alternativos apunta a la creación de una producción futura comercialmente sustentable.

Las perspectivas críticas de los pesqueros groenlandeses también llevaron a que el Gobierno Autónomo introdujera programas que otorgan ayuda financiera para la desafectación de barcos pesqueros de manera que la flota restante sea más eficiente económicamente.

Otra área de interés ha sido la transformación de una reglamentación pública fuertemente centralizada propia de una economía planificada, a una economía de mercado. El más importante instrumento en este proceso ha sido la restructuración de las ex empresas dirigidas por el Gobierno Autónomo para convertirlas en compañías de responsabilidad independiente. Esta transformación dio como resultado una clara separación de la responsabilidad y la competencia entre el sistema político, las autoridades normativas, y la dirección y administración de las compañías.

Royal Greenland fue la primer compañía que fue restructurada en 1991, seguida en 1993 por la compañía comercial groenlandesa, Kalaallit Niuerfiat (KNI), de propiedad del Gobierno Autónomo. KNI fue dividida en tres compañías independientes; una compañía de servicios, una de reventa y otra de transporte, cada una con tareas separadas. Después de un difícil proceso de ajuste durante los últimos 3 años, estas compañías exhiben ahora resultados operacionales positivos. Sin embargo, sigue existiendo un descontento generalizado en la sociedad con respecto al suministro de mercaderías en las áreas rurales. Por lo tanto, el Gobierno Autónomo propuso que todos los otros servicios, excepto el suministro de mercaderías, sean transferidos del Servicio del KNI a otras compañías.

El primer paso de este proceso será la transferencia de los servicios postales a Groenlandia Telecom Lda. Otros planes implican la posible transferencia de las actividades de transporte del Servicio KNI a la Línea Real Ártica. Esta nueva restructuración de las compañías tiene como objetivo establecer una estructura corporativa para KNI.

Una parte integral de la motivación política para comenzar este importante proceso fue inicialmente brindar una base para la privatización -total o parcial- de las compañías de propiedad del Gobierno Autónomo. La concentración política en la privatización ha sido ahora reforzada después de la finalización de la transformación, principalmente debido a la presión de las empresas privadas.

Al contrario del consenso político que ha caracterizado el desarrollo hasta ahora, se espera que el tema de la privatización resulte en una polarización política mayor entre la coalición gubernamental del partido socialdemócrata, Siumut, y el partido del ala derecha, Atassut, por un lado y el partido del ala izquierda, Inuit Ataqatigiit, por el otro lado. A pesar de la intención inicial, Inuit Ataqatigiit está proponiendo ahora una reglamentación pública más fuerte de las compañías corporativas.

Elementos estratégicos de la política industrial

Para fortalecer la economía en el sector del comercio y la industria, el objetivo político fue reducir o estabilizar los precios de los servicios públicos como la electricidad, el agua, la calefacción central y las telecomunicaciones. Esta estrategia ha sido un éxito tanto para el público como para los sectores privados y ha también beneficiado a los ciudadanos en forma individual. Para impedir la presión por salarios más altos, que dañaría la competitividad de las empresas, el alquiler de la vivienda pública es fijado a cierto nivel. Esto tiene un gran efecto porque la vivienda pública representa más del 90% del mercado de la vivienda. Con el mismo propósito, los impuestos nacionales están virtualmente inalterados desde 1991.

La estrategia industrial se concentra principalmente en 3 sectores principales: la pesca, la explotación petrolera y mineral y el turismo.

La pesca sigue siendo la ocupación principal, ocupando un 20% de la fuerza de trabajo y representa el 95% del total de exportaciones de Groenlandia, del cual el langostino asciende al 80%. Evidentemente, Groenlandia es sumamente dependiente de su pesca para el empleo y la economía y es muy sensible a la fluctuación de precios en el mercado internacional. Como ejemplo, Groenlandia está actualmente experimentando un ingreso debilitado proveniente de la exportación pesquera a continuación de un período con precios de mercado ascendentes para el langostino. Además, los parámetros como el clima, la biología y la disponibilidad de los recursos hacen que la pesca sea sumamente vulnerable.

En una comparación internacionall, la pesca en Groenlandia está caracterizada por una comprensión política común entre las partes interesadas para asegurar una utilización sustentable de los recursos pesqueros, utilizando, por ejemplo, sistemas de cuotas.

La pesca en aguas groenlandesass está todavía por sobre el nivel recomendado de acuerdo a la asesoría biológica. Sin embargo, existe una fuerte voluntad política para reducir gradualmente la magnitud de la pesca mediante el establecimiento de cuotas y la reducción de la flota pesquera. El resultado general de estas diversas iniciativas es un equilibrio mucho mejor entre la capacidad pesquera y los recursos disponibless.

El desarrollo turístico es uno de los nuevos campos que han sido desarrollados para equilibrar la fuerte dependencia de la pesca. Sin embargo, las cifras estadísticas sobre el efecto de las iniciativas de desarrollo en esta área todavía son insuficientes como para documentar un impacto importante. El análisis del Gobierno Autónomo del potencial futuro del sector turístico apunta en la dirección de una creciente demanda de la capacidad hotelera y de transporte, educación y promoción.

Un amplio consenso político respalda la decisión de desarrollar una base industrial más amplia en Groenlandia con el objetivo de lograr una autosuficiencia económica mayor. En este contexto, las decisiones más importantes de 1995 y 96 fueron iniciar la construcción de 4 nuevas pistas de aterrizaje y el establecimiento de un sistema financiero favorable con respecto a la construcción hotelera con el objetivo de aumentar el potencial del desarrollo turístico y otras industrias como la exploración de petróleo y minerales.

En 1994, el gobierno danés y el Gobierno Autónomo de Groenlandia firmaron un nuevo acuerdo sobre la explotación de recursos petroleros y minerales. Como parte del acuerdo, ambas partes invirtieron en forma considerable en una serie de estudios preliminares para determinar las perspectivas de encontrar yacimientos de petróleo, gas y minerales. Políticamente, el acuerdo tenía el objetivo de aumentar la influencia y responsabilidad de Groenlandia sobre la exploración y explotación petrolera y mineral.

La exploración de la explotación de los recursos minerales está regulada por un acuerdo especiall que otorga a los gobiernos de Groenlandia y Dinamarca un veto mutuo. Hasta cierto nivel, todos los ingresos provenientes de la explotación de minerales, petróleo y gas corresponden al gobierno Autónomo. Los ingresos que excedan

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este nivel serán divididos entre los dos gobiernos después de nuevas negociaciones.

En 1996, habían 62 permisos de exploración en marcha y 25 permisos de prospección vigentes, fundamentalmente orientados a la búsqueda de níquel y diamantes. La compañía canadiense Platinova, con sede en Groenlandia, está activamente comprometida en investigaciones geofísicas y perforaciones en búsqueda de zinc.

En los últimos pocos años, ha habido también un marcado incremento del interés internacional en la exploración de petróleo y gas en Groenlandia, tanto en el mar como en tierra. En 1996, se realizó la primera perforación en tierra de exploración petrolera como perforación de prueba. Con respecto al reinicio de la exploración comercial de petróleo y gas en el mar, en el oeste de Groenlandia, después de 20 años de inactividad, fue firmado un permiso de exploración y producción fuera de la costa oeste de Groenlandia por un grupo compuesto de 3 compañías petroleras -Statoil, Phillips Petroleum y DOPAS (Producción Danesa de Gas y Petróleo)- en diciembre de 1996. Como resultado, en 1996 había tres permisos vigentes de exploración y 9 permisos de prospección de petróleo y gas.

Para promover el desarrollo de este sector, el Gobierno Autónomo de Groenlandia estableció una Oficina de Minerales en 1994, con la tarea fundamental de contribuir a convertir la explotación de petróleo y minerales en una de las principales industrias de Groenlandia y para facilitar la intención del Gobierno y el Parlamento de Groenlandia de asumir un mayor control e influencia sobre las decisiones en esta área. Durante 1997, los gobiernos de Groenlandia y Dinamarca negociarán la futura organización de la administración de los recursos minerales. El objetivo del Gobierno Autónomo de Groenlandia sigue siendo la transferencia de la responsabilidad administrativa de Groenlandia lo antes posible.

Oportunidades y barreras para el desarrollo

El objetivo político de crear un desarrollo industrial y un crecimiento económico se enfrenta hoy con 2 barreras fundamentales. Primero, un muy alto nivel de costos. Segundo, a pesar de los tremendos esfuerzos para promover y facilitar la educación y la capacitación, el nivel educativo sigue siendo bajo y no satisface las necesidades de Groenlandia de una fuerza de trabajo calificada. Hoy, aproximadamente el 20% de los asalariados son personas nacidas fuera de Groenlandia, fundamentalmente en Dinamarca. La fuerza de trabajo no-groenlandesa ocupa típicamente trabajos

que requieren una capacitación académica o una avanzada capacitación vocacional. En contraste, 2/3 de la fuerza de trabajo groenlandesa no dispone de capacitación profesional.

Las cifras disponibles más recientes sobre educación -de 1995- revelan que sólo un 48% de un grupo de un año obtiene una educación que sobrepase a la primaria, de los cuales, sólo el 9% se gradúan en una educación universitaria u otra educación superior. Debido a esta crítica carencia en Groenlandia de una fuerza de trabajo educada, el campo de la educación y la capacitación recibe una considerable proporción de la atención política y se están tomando actualmente nuevas medidas para aumentar el nivel educativo.

En el sistema de transporte de Groenlandia, el pasaje del transporte carguero a contenedores y las inversiones en nuevos barcos modernos han ya disminuido los costos/precios de flete. Las inversiones en el sistema de tráfico aéreo tienen como objetivo transferir el costoso transporte de pasajeros entre los pueblos costeros por mar, a la flota aérea, reduciendo así la capacidad excedente.

Las telecomunicaciones son una industria de rápido crecimiento y la nueva tecnología amplía las oportunidades de nuevos desarrollos en Groenlandia en áreas tales como conferencias por vídeo, tele-medicina, educación a distancia y comunicación de información en general. En 1997, Telecom Groenlandia espera completar la digitalización del sistema de comunicaciones, proveyendo así una infraestructura capaz de procesar un esperado aumento de las telecomunicaciones.

Alcanzando soluciones pragmáticas para temas sensibles

La reciente evolución en uno de los aspectos del Caso Thule se relaciona bien con la discusión sobre el desarrollo infraestructural.

Mientras que las revelaciones relativas a las importantes discrepancias en la política nuclear danesa -particularmente con respecto a la base de la fuerza aérea de los EE.UU. en Groenlandia y la reciente propuesta de EE.UU. de una prisión internacional para armas nucleares en Thule- siguen siendo los titulares de los medios de difusión, los gobiernos de Dinamarca y Groenlandia han acordado ahora una solución más pragmática para una de las más destacadas cuestiones. La idea es otorgar una compensación colectiva por el impacto general causado por la presencia de la Fuerza Aérea de los EE.UU. en el norte de Groenlandia desde la Segunda Guerra Mundial, que, en los años recientes, se ha visto relacionada fundamentalmente con las restricciones de los EE.UU. referentes al tráfico civil aéreo

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de y para el norte de Groenlandia, que implique el tránsito en la Base Aérea de Thule.

El acuerdo, que ha sido aprobado por el Consejo Municipal de Avanersuaq y el Comité de Relaciones Exteriores y Seguridad del Parlamento de Groenlandia, reemplaza un acuerdo anterior para restablecer servicios en la comunidad de Uummannaq/Dundas de dónde 27 familias *inughuit* fueron trasladadas en 1953 para dejar espacio para instalaciones militares adicionales de los EE.UU.

El nuevo acuerdo incluye una contribución monetaria contante de US$7,2 millones para la construcción de servicios de aeropuerto en Qaanaaq -la mayor comunidad del norte de Groenlandia- o sea, aproximadamente, la mitad del costo estimado. El acuerdo también obliga al gobierno danés a procurar la asistencia técnica y la provisión de equipamiento y pericia por parte de los EE.UU. Se espera que la pista aérea que vinculará al norte de Groenlandia con el resto de Groenlandia pueda estar finalizada para el otoño de 1999. Se espera que el acceso más fácil a Qaanaaq y al norte de Groenlandia aumente los potenciales de desarrollo económico, por ejemplo, en el sector turístico.

A pesar de este acuerdo, una organización de ciudadanos de Avanersuaq, Hingitaq 53, ha demandando al gobierno danés ante la justicia y exige una compensación apropiada por la reubicación y la pérdida de las áreas de caza. Los descendientes de los reasentados exigieron también una disculpa de parte del gobierno danés, hasta ahora en vano.

Relaciones exteriores

Groenlandia está mostrando un mayor interés en los asuntos internacionales. Aunque la Ley del Gobierno Autónomo de Groenlandia establece ciertas limitaciones con respecto a la capacidad de Groenlandia de encarar independientemente las relaciones exteriores, la Ley también garantiza la opinión de Groenlandia en asuntos de interés para Groenlandia y prevé una estrecha colaboración entre el Ministerio de Relaciones Exteriores de Dinamarca y el Gobierno Autónomo de Groenlandia.

En términos prácticos, Groenlandia participa en todas las negociaciones de importancia para la misma. En asuntos relativos a la Unión Europea (UE) y el estatus asociado de Groenlandia y los acuerdos de pesca con la UE, se ha establecido una práctica por la cual Groenlandia lleva la iniciativa y Dinamarca actúa en segundo plano. La cooperación entre Groenlandia y Dinamarca en asuntos inter-

nacionales ha aumentado considerablemente durante los años recientes, para beneficio de los dos países. Por ejemplo, existe una estrecha colaboración con respecto al tratamiento de las Naciones Unidas de los derechos de los pueblos indígenas, donde Dinamarca junto con Groenlandia, han tomado la iniciativa en la promoción de un foro permanente para pueblos indígenas en el sistema de las Naciones Unidas. En el contexto nórdico, Groenlandia juega un papel importante e integral en el Consejo Nórdico y en el Consejo Nórdico de Ministros. Finalmente, Dinamarca ha promovido enérgicamente a Groenlandia en el trabajo en la Estrategia de Protección Ambiental del Ártico (AEPS), donde Groenlandia ha tomado la iniciativa en lo que respecta a los componentes de los programas de AEPS referentes a la salud humana y la conservación de la flora y de la fauna.

Katuaq - El Centro para las Artes Representativas de Groenlandia
El centro cultural -Katuaq- fue oficialmente abierto por una ceremonia a mediados de febrero de 1997, con la participación de unos 500 invitados prominentes de los países nórdicos y árticos. Katuaq, con su magnífica arquitectura, alberga la Escuela de Arte de Groenlandia, el Instituto Nórdico de Groenlandia y el Teatro de Groenlandia, Silamiut.

La grandiosa apertura presentó a artistas de los países nórdicos y árticos, realizando -entre otras cosas- danzas del tambor, canciones y teatro. La Orquesta Sinfónica de Islandia dio varios conciertos durante la semana de las ceremonias y se tomó el tiempo de enseñar a clases escolares en medio de las actividades.

Como centro de conferencias, Katuaq está actualmente trabajando hacia el establecimiento de un Centro de Capacitación Internacional para Pueblos Indígenas (ITCIP). La idea que respalda a ITCIP es la frecuentemente expresada necesidad de servicios de capacitación de esta naturaleza. Además, el Decenio de las Naciones Unidas para la Educación sobre Derechos Humanos y el Decenio de las Naciones Unidas para los Pueblos Indígenas del Mundo han sido fuente de inspiración y se espera que las Naciones Unidas aprueben la iniciativa.

ALASKA

En Alaska, el acontecimiento más importante de 1996 fue la decisión judicial del caso Venetie. El 20 de noviembre de 1996, el

Tribunal de Apelaciones del Noveno Circuito revocó la decisión de un tribunal inferior de que la aldea de Venetie en realidad ocupa tierra *india (indígena)*. La esencia de ésto es que Venetie, y otras aldeas indígenas de Alaska, tienen la legítima autoridad de ejercer cierta medida de autogestión.

El caso comenzó en 1986 cuando la aldea nativa del Gobierno Tribal de Venetie intentó imponer un impuesto empresario a un empresario contratado por el Estado de Alaska para construir una nueva escuela en la aldea. El Estado de Alaska llevó la decisión al tribunal alegando que la aldea no tenía territorio, es decir, tierra india, y por lo tanto, no tenía poder para instaurar el impuesto.

Los nativos de Venetie, los *neets'aii gwich'in* residen en 1,8 millones de acres de tierra en el noreste de Alaska. El Ministro del Interior del Gobierno Federal de Washington, destinó esta tierra como reserva en 1943. La Ley de Acuerdos de Reivindicaciones Nativas de Alaska (ANCSA) revocó la reserva, pero permitió a las Corporaciones Nativas (en 1971, ANCSA estableció 13 corporaciones regionales y más de 200 corporaciones aldeanas), creadas para Venetie y Arctic Village, optar por no ampararse a ANCSA y recibir título de dominio absoluto a sus antiguas tierras de reserva. Los accionistas optaron por hacer ésto, y en 1979 las corporaciones ANCSA transfirieron el título al gobierno tribal, y las corporaciones ANCSA fueron disueltas en 1981.

La sentencia del Tribunal de Apelaciones del Noveno Circuito reconoció por primera vez que la Ley de Acuerdos de Reivindicaciones Nativas de Alaska no abolía los poderes de autogestión nativos sobre su pueblo y sus tierras.

Lo que el Tribunal de Apelaciones expresó en su decisión es que este derecho histórico de autogestión, repetidamente reconocido en tratados y estatutos federales, nunca ha sido abrogado, para los nativos de Alaska, por el Congreso Federal - la única entidad con el poder para hacerlo.

Específicamente, el tribunal dijo que el Congreso no extinguió, en ANCSA, estos poderes. La conclusión del tribunal estuvo basada en parte en el antiguo principio de que las ambigüedades en tratados y estatutos que afectan a los nativos americanos serán interpretadas en favor del soberano más débil, y en parte en otras evidencias de propósito congresal.

Antes de la decisión del Tribunal, el Gobierno Federal había reconocido que 226 Aldeas Nativas de Alaska eran tribus con

poderes inextinguidos de autogestión. También es el caso, de que las tierras otorgadas a las corporaciones ANCSA podrían constituir territorio indio y por lo tanto estar sujetas a la jurisdicción tribal.

Las implicaciones de la decisión del Tribunal de Apelaciones serán que otras aldeas nativas de Alaska pueden reivindicar sus tierras como territorio indio. Existen, no obstante, condiciones que implican que ésto no es vigente para todas las aldeas nativas. Una de estas condiciones es que sólo las tierras que forman parte de la comunidad serán territorio indio. Consiguientemente, las tierras corporativas aldeanas que no son continuas y están alejadas de una aldea no serían probablemente parte de la comunidad y por lo tanto no serían territorio indio.

Las decisiones del Tribunal de Apelaciones implicarán que aquellas tribus (aldeas) que tengan el estatus de territorio indio pueden realizar una serie de actividades reglamentadas por ellos mismos. Fundamentalmente una serie de programas y facilidades gubernamentales como: adquisición y disposición de propiedad inmueble; procurar y gastar fondos del gobierno; reglamentación del uso de la tierra; bienestar infantil y servicios de guarderías infantiles; administración de los servicios comunitarios y servicios de cloacas y desperdicios sólidos; mantenimiento de caminos y otro tipo de infraestructura; control del alcohol; reglamentación de casamientos; herencia y adopción.

Además de estas actividades, una tribu reconocida puede establecer e implementar sus propias leyes. Dentro de los límites estipulados por las leyes federales y estatales, las tribus pueden juzgar delitos y disputas civiles, limitar el acceso a las tierras tribales e imponer multas y penalidades criminales de no más de un año de prisión.

Si bien la decisión del Tribunal de Apelaciones ha sido celebrada por los pueblos indígenas de todo el estado de Alaska, la reacción de los detentadores del poder ha sido menos entusiasta. Los dos miembros de Alaska del Senado de los EE.UU. han criticado la decisión Venetie y han amenazado con la introducción de medidas para anular la decisión. Esto puede convertirse en realidad si el Estado de Alaska no apela la decisión del tribunal ante la Suprema Corte, en Washington, o si la Suprema Corte no acepta el caso. Esto se sabrá en abril de 1997.

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RUSIA

En 1996, la situación social y demográfica de los pueblos indígenas del Norte, Siberia y el Lejano Oriente siguió deteriorándose. Esto se reflejó también en los documentos oficiales. En 1996, se hizo un sumario de los resultados del "Programa para el Desarrollo Económico y Cultural de los Pequeños Pueblos Indígenas del Norte para los años 1991-1995", federal, (que fue prologado hasta incluir 1996). En septiembre de 1996 se lanzó un programa similar para el período que llega al año 2000. El periódico ruso "Rossiiskaya Gazeta" del 1 de octubre de 1996 publicó el texto de este nuevo programa junto con cifras sobre la implementación del programa 1991-96.

En el párrafo titulado "El actual estado de desarrollo social y económico de los pequeños pueblos indígenas de Rusia" se establece que "...uno de cada cinco desempleados de Rusia reside en el Norte. La mitad de la suma total de salarios no pagados se debe a los norteños" (esta cifra cubre también a los residentes no indígenas de las regiones septentrionales - OM). "El promedio de la expectativa de vida en el Norte es de 3-4 años inferior al promedio nacional para toda Rusia, y entre la población indígena es de 10-11 años inferior al mismo". En total, sólo el 5-21% del total de las tareas del programa fueron resueltas debido a la falta de financiación.

Un informe anual de 1996 del Ministerio de Trabajo y Desarrollo Social de la Federación Rusa titulado "Trabajo y empleo de los pequeños pueblos del Norte" establece que en 1993-95 la cantidad de empleados de los pequeños pueblos indígenas del Norte en sus áreas tradicionales disminuyó en un 36%. "La investigación muestra que aunque más del 60% de los pueblos indígenas del Norte todavía se orientan hacia las actividades tradicionales, la cantidad de personas empleadas en estos campos de trabajo está disminuyendo. Mientras que al comienzo de 1993 el 53% estaba empleado aquí, a comienzos de 1996 esta cifra había caído a sólo el 39%". "...actualmente hasta el 25-30%, y en algunos poblados hasta el 100% de la población indígena físicamente capaz está en realidad sin empleo". "Actualmente el 48% de la población indígena mayor de 15 años tiene una educación secundaria elemental e incompleta (lo cual significa que no terminó la escuela secundaria - OM), el 17% no ha completado siquiera la escuela primaria y la mitad son totalmente analfabetos". "En 1995 se notó una disminución de la población rural indígena en el Norte. El 30% de todos los fallecimientos de las personas del Norte es causado por diversos tipos de

violencia, mientras que la cifra a nivel nacional es del 11%. La tasa de suicidios en las comunidades indígenas norteñas es 3-4 veces más alta que el correspondiente promedio general".

Así es como los organismos estatales responsables, a cargo de este ámbito, resumieron los resultados de la política estatal para las nacionalidades, dirigida a los pueblos indígenas del Norte, Siberia y el Lejano Oriente. El objetivo político era la completa integración de las comunidades de norteños a la sociedad modernizada soviética y pos-soviética, incluyendo la separación de los niños de sus familias, en jardines de infantes e internados, la enseñanza de un programa educativo general, estándar, y la garantía del 100% de empleo en ámbitos lejanos a las condiciones de estilo tradicional de vida de los pueblos indígenas.

Ahora que el control gubernamental centralizado de las áreas remotas ha sufrido un colapso y los programas estatales carecen de apoyo presupuestario, los pueblos indígenas han sido abandonados a merced del destino. Ahora se encuentran fuera de la nueva economía de mercado y están al borde de la extinción.

Derechos indígenas

Los pueblos indígenas de Rusia y los pueblos indígenas del Norte todavía no están investidos de derechos legales. La ley federal titulada "Los Fundamentos de la Situación Legal de los Pequeños Pueblos Indígenas de Rusia" debería, de acuerdo con el programa original, haber sido aprobada en 1992, pero en cambio, ha sido diferida indefinidamente una vez más.

Después de una vuelta larga y complicada a través de los órganos legislativos el paquete terminó en un comité conciliatorio. Aquí, A. I. Nikulin, miembro del Comité de Asuntos Federales del Consejo Federal se opuso al mismo argumentando que la aprobación de la ley consistiría en un dudoso beneficio para los pueblos en cuestión ya que el Parlamento ruso todavía no había ratificado el Convenio No. 169 de la OIT. Finalmente, debido a tecnicismos, el título de la ley fue cambiado y tiene que pasar por todos los estadios del proceso legislativo.

Áreas de asentamiento y acceso a los recursos naturales

Como resultado de lo antes mencionado, los pueblos indígenas no tienen derechos garantizados a los recursos naturales. Al mismo tiempo, la privatización de recursos y la explotación de la riqueza

natural continúa en las áreas donde viven tradicionalmente y donde realizan sus actividades.

Un decreto emitido por el presidente en diciembre de 1993 "Sobre el Programa Estatal para la Privatización de las Empresas Estatales y Municipales de la Federación Rusa" resultó tener dramáticas consecuencias para el Norte. En un año, la propiedad de la mayoría de los ex koljoses (granjas colectivas) y sovjoses (granjas estatales) fue privatizada junto con la vivienda y la tierra. Las ex empresas estatales de extracción y procesamiento de recursos naturales, incluyendo los tradicionales, fueron convertidas en compañías por acciones. Lotes de bosques fueron arrendados a particulares con el propósito del desarrollo del turismo de la caza y de la pesca. Como regla, elementos externos se convirtieron en los reales propietarios de los recursos naturales y por lo general ni siquiera viven en el Norte. La rápida y bárbara explotación de estos recursos, que excede los propósitos del decreto presidencial, plantea una nueva amenaza a la base de subsistencia y a la supervivencia étnica de los pequeños pueblos indígenas del Norte.

Actualmente (abril de 1997) la Duma Estatal (parlamento) está leyendo una nueva ley "Sobre tierras", la cual sugiere la introducción de la propiedad privada de la tierra. Esta ley beneficiará probablemente a la mayoría de los ciudadanos de Rusia, pero en las áreas de asentamiento de los pueblos indígenas cementará la propiedad de los propietarios de hoy y de los arrendatarios de tierra y recursos de la superficie, privando a los pueblos indígenas de la última esperanza de obtener acceso a los recursos naturales tradicionales.

Grandes empresas como Gazprom, operan en las regiones septentrionales y en el lejano oriente de la manera tradicional soviética. Como antes, un estrecho círculo de personas (de Gazprom y de la administración local) toma las decisiones sobre la prospección y explotación de nuevos pozos petrolíferos y de gas en Siberia occidental, sin el consentimiento de los pueblos indígenas, sin publicar sus planes y sin consultar con expertos. Los habitantes indígenas de los Okrug Nacionales de Khanty-Mansi y Yamal-Nenet (regiones administrativas) se despertarán una hermosa mañana viendo nuevas instalaciones perforadoras en sus pasturas tradicionales. Los pueblos indígenas no tienen ningún documento legal que fundamente su derecho a la tierra que ellos usan, sus protestas no tienen peso legal y son simplemente ignoradas. La administración y las compañías les sugerirán que se trasladen a algún pueblo mayor y les

prometerán vivienda. Esto es lo que la mayoría hará, acabando así como lumpen-proletariado de la ciudad mayor y comenzará probablemente a tomar alcohol.

Los planes de extracción de gas y petróleo en las plataformas marinas del Mar de Karsk, el Mar de Bering y el Mar de Okhotsk constituyen una seria amenaza para la seguridad ambiental del Norte, Siberia y el Lejano Oriente.

A comienzos de 1997, comenzaron actividades de perforación en la Bahía de Taza, en la península de Yamal. De acuerdo con la organización indígena de Yamal, la perforación comenzó sin el consentimiento de la población nativa. El súbito comienzo de los trabajos causará contaminación de los ríos Ob, Taza y Pura y constituye -según los habitantes nativos- una amenaza a las varias especies endémicas de peces que entran a esos ríos y puede reducir las existencias de estos valiosos peces. Los representantes de la Asociación Yamal-Nenet elevaron una queja a Gazprom, pero nunca obtuvieron respuesta.

En 1996 comenzaron los trabajos de prospección en el Mar de Okhotsk, cerca de la Isla de Sakhalin. Estos trabajos también han alarmado a la población nativa. Son parte de un plan comprehensivo de explotación de gas y petróleo en la plataforma marina adjunta al Noreste y el Lejano Oriente de Rusia. El gobierno federal ha diseñado un programa, conjuntamente con los gobiernos locales, para otorgar licencias para la extracción de petróleo y gas hasta el año 2000. Los sismólogos y biólogos advierten que este proyecto no ha sido fundamentado ecológicamente y temen que la prospección en el área pueda causar una catástrofe global en el borde del Pacífico. La Asociación de Pueblos Nativos de Sakhalin ha expresado sus protestas contra los planes en la prensa local, temiendo que su pesca pueda sufrir a causa de las actividades petroleras. A pesar de ésto, el trabajo sigue adelante.

La pauta existente de asentamiento de los pueblos del Norte y su acceso a los recursos tradicionales también pueden sufrir como consecuencia de una nueva ley de clausura de los asentamientos en el Lejano Norte, que ha sido propuesta por el Comité de Asuntos Septentrionales del Consejo Federal. Por un lado, la ley tiene como objetivo clausurar los asentamientos industriales que se han convertido en no rentables. Pero por otro lado, el criterio de rentabilidad puede también ser extendido para aplicarlo a los asentamientos de la población nativa y la ley no dispone de garantías contra ésto.

Eventualmente las administraciones locales -de acuerdo con los organismos federales- serán investidas con el derecho a clausurar cualquier aldea o asentamiento que consideren no rentable. Como resultado, el derecho de los ciudadanos a elegir libremente dónde quieren vivir es violado, y los pueblos indígenas pueden quedar excluidos del uso de sus tierras tradicionales.

En 1995 Rusia firmó y ratificó el convenio sobre la biodiversidad. No obstante, algunas de las previsiones del convenio están siendo violadas.

Según el artículo 8j, los estados están obligados a tomar medidas para la protección ambiental en áreas habitadas por pueblos indígenas sólo con su consentimiento y participación. Desafortunadamente, en la Duma Estatal, sólo unos pocos delegados se interesan en los pueblos indígenas y la legislación que se supone que implementará el convenio encuentra poco apoyo.

El grupo nacional de IWGIA en Moscú y la organización rusa del WWF (Fondo Mundial para la Naturaleza) unieron sus esfuerzos y definieron principios para los territorios etno-ecológicos como categoría especial de territorio protegido. El objetivo es influenciar la legislación federal sobre áreas protegidas e introducir a esta nueva categoría en la ley.

El Tercer Congreso de la Asociación de Pequeños Pueblos Indígenas del Norte, Siberia y el Lejano Oriente y el movimiento indígena

El movimiento de los pueblos indígenas de Rusia vio la luz en 1990 cuando se fundó la Asociación de los Pequeños Pueblos Indígenas del Norte, Siberia y el Lejano Oriente. Pero hasta el momento, esta organización no tiene un programa preciso de acción.

Esto se hizo evidente en el tercer congreso celebrado el 27-28 de marzo en Moscú. Los delegados se centraron mucho en asuntos organizativos y de procedimiento en el mismo congreso, poniendo así menos energía en la redacción de un programa de acción para los próximos tres años.

En sus informes, los delegados describieron la precaria situación de los pueblos indígenas de sus regiones particulares y presentaron sus puntos de vista sobre los logros del presidente saliente de la Asociación. Pocos presentaron sugerencias concretas para las actividades futuras del nuevo presidente electo, el Consejo de Coordinación (órgano supremo de la Asociación entre los congresos) y los organismos pertinentes del poder estatal.

Es obvio que la Asociación todavía necesita hacer mucho antes de obtener la fuerza necesaria y convertirse en una organización fuerte y efectiva, tanto local como centralmente. Hasta ahora la Asociación ha sido reticente para extender la incorporación de todos los grupos étnicos que puedan querer hacerlo. El congreso constituyente aceptó sólo a 26 pueblos del Norte, en realidad de acuerdo a una lista hecha en 1927 por el Comité Ejecutivo Central Pan Ruso. En el congreso constituyente también estaban presentes representantes de los pueblos *shor, kcmi, veps* y *karele* pero no fueron aceptados como miembros ya que no gozaban oficialmente del estatus de "pequeños pueblos del Norte". En 1993, cuatro pueblos obtuvieron el derecho a incorporarse en términos de igualdad con los pueblos del Norte: los shor, *teleut*, y *chulym*. Pero recién después de que el gobierno emitiera un decreto al respecto.

Mientras que la ley sobre "La situación legal fundamental de los Pequeños Pueblos Indígenas del Norte" estaba siendo redactada, el Instituto de Etnología y Antropología de la Academia Rusa de Ciencias preparó una nueva lista de pueblos indígenas incluyendo a todos los pueblos indígenas y grupos étnicos del Norte, Siberia y el Lejano Oriente cuyos miembros habían preservado un estilo de vida, uso de la naturaleza y cultura tradicionales. Esta lista contenía 49 grupos y fue publicada en la revista "Etnograficheskoe obozrenie" no. 1, 1995, junto con el proyecto de ley.

Sin embargo, la Asociación, es todavía reticente en aceptar nuevos miembros y estaba incluso preparada a excluir otra vez a algunos de los miembros recientemente aceptados en base a una duda expresada por el Comité Estatal del Norte (Goskomsever). Esto sucedió en 1997 a los chulym.

Parece existir un temor de que la aceptación de nuevos grupos miembros pueda convertirse en perjudicial para los intereses de los antiguos. El presupuesto estatal dispone de recursos limitados para los pueblos indígenas. Si la cantidad de grupos étnicos aumenta habrá menos para los 26 pequeños pueblos "legítimos" del Norte.

Por otro lado, es un hecho que las relaciones entre los grupos "ilegítimos" y los viejos grupos reconocidos es mucho más flexible a nivel regional y local. Localmente, los grupos legítimos apoyan y ayudan a sus compañeros indígenas ilegítimos. Sin embargo, este espíritu no encuentra el apoyo deseable en la dirección indígena de Moscú.

La Asociación es todavía dependiente en gran medida del financiamiento estatal y esto se refleja en los programas políticos y

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acciones de la organización. Ideas como la unidad de todos los pueblos indígenas del Norte, Siberia y el Lejano Oriente en la lucha por sus derechos y para asegurar un uso ecológicamente sustentable del medio ambiente de sus áreas tradicionales, no han encontrado hasta ahora comprensión en la dirección de la Asociación

Afortunadamente, está en marcha una nueva generación de líderes indígenas. Son gente que está aprendiendo a evaluar la situación de una forma sobria y realista y a ser abiertos a nuevas ideas. En 1996, la capacitación de tales nuevos elementos de las poblaciones nativas comenzó en dos direcciones.

En algunos discursos del Tercer Congreso de la Asociación se expresaron nuevos juicios e ideas. Muchos delegados señalaron que la venta incontrolada de alcohol por parte de empresarios privados y la voraz explotación de los recursos naturales en los territorios de la población nativa conducirá al genocidio de estos pueblos. Algunos delegados presentaron cifras concretas sobre la condición social y demográfica de sus comunidades y juzgaron importante informar sobre el nivel de desempleo, alcoholismo, mortalidad y tasas de nacimiento. En este congreso se pudieron oír por primera vez varios llamados a crear reservas etno-ecológicas para la población nativa. Sin embargo, desafortunadamente este punto no se vio reflejado en la resolución final del congreso.

Algunos delegados presentaron una evaluación pesimista de las posibilidades de los organismos estatales centrales para implementar un nuevo programa estatal para el Norte y no creían que la legislación federal que asegure los derechos de los pueblos indígenas pueda ser aprobada en un futuro previsible. Hicieron un llamado en favor de un nuevo y más realista sistema para lograr acuerdos entre las organizaciones regionales y los organismos locales del poder estatal.

Sergei Nikolayevich Kherjuchi fue electo como nuevo presidente de la Asociación. Él representa a la Asociación del Okrug AutónomoYamal-Nenet y goza de una bien merecida autoridad en la Asociación. Es un científico social, trabajó en órganos legislativos y ejecutivos del Okrug, es graduado de la Academia de Servicios Estatales de la administración presidencial de la Federación Rusa, escribió una disertación sobre los derechos de los pequeños pueblos indígenas del Norte, Siberia y el Lejano Oriente. En su programa de acción, define sus tareas fundamentales. Primero: unir a las direcciones regionales y de Moscú del movimiento indígena, uniendo a las dos Asociaciones con sede en Moscú y a las numerosas funda-

ciones para la solución de objetivos comunes. Segundo: revisar la estructura de los organismos dirigentes de la Asociación, ampliando la cantidad de vicepresidentes de la Asociación de tal manera que cada uno tenga una función especial. Y finalmente: crear un Consejo de Ancianos de la Asociación. La principal línea de trabajo es asegurar los derechos territoriales de los pueblos indígenas.

Organizaciones de apoyo

En julio de 1996 el Fondo "Lauravetlan" (dirigido por Oleg Yegorov, representante del Consejo Chukchee de Ancianos de la región de Chukotka) junto con el Consejo Saami recibieron un subsidio en el marco del programa TACIS. Este dinero está financiando el Centro para los Pueblos Indígenas con sede en Moscú. El centro está asociado con la revista "Severnye Prostory" (Expansiones del Norte).

En el centro, los representantes de las organizaciones nativas reciben una capacitación de tres meses. Reciben instrucción sobre fundamentos de derechos humanos, derechos colectivos de los pueblos indígenas, aprenden sobre la legislación rusa e internacional, reciben una idea del trabajo de los organismos federales que se ocupan de los asuntos de los pueblos indígenas. Además el Centro ofrece capacitación en computación y publica su propio boletín de noticias.

Desde 1996, el Grupo Nacional de IWGIA de Moscú ha publicado su boletín de noticias "Zhivaya Arktika" (Ártico Vivo) para ampliar la red de correspondientes y divulgar información y trabajo de consulta en apoyo de los pueblos indígenas de una forma más sistemática. Ártico Vivo publica documentos nacionales e internacionales sobre los derechos de los pueblos indígenas, así como también artículos sobre protección ambiental y desarrollo de usos tradicionales de la naturaleza. Se distribuye libre de cargo a las organizaciones de los pueblos del Norte, Siberia y el Lejano Oriente y también a organizaciones ecológicas locales. El Grupo Nacional de IWGIA coopera con el Centro de Información para los Pueblos Indígenas intercambiando información

SÁPMÍ (PAÍS SAMI)

Una convención conjunta, la cooperación ártica y la representación en la "cooperación de la Región de Barents" fueron algunos de los

tópicos discutidos en la conferencia del 15 al 18 de octubre de 1996 celebrada en Murmansk, en la cual *sami* de Rusia y Escandinavia se reunieron con otros pueblos indígenas de la región del Mar de Barents y Siberia. El marco del acontecimiento fue la "16ª Conferencia Sami", celebrada conjuntamente por primera vez (ver Asuntos Indígenas Nº 4 octubre/noviembre/diciembre- 1996). El Consejo Sami adoptó unánimemente una moción presentada por el comité legal del Consejo Sami en favor de una resolución sobre una convención sami para todos los sami. Los sami viven bajo cuatro sistemas legales diferentes. Por lo tanto, es importante armonizar la legislación de los estados nacionales, así como también es necesario coordinar el tratamiento político de temas que afectan a los sami en varios países. La Convención Sami debe también garantizar ciertas normas básicas. Una Convención Sami conjunta sería de gran ayuda para resolver los múltiples problemas de la cooperación, la organización y los contactos a través de las fronteras nacionales.

Noruega

El jueves 4 de febrero el Comité de Derechos Sami presentó el segundo informe sobre: "La naturaleza como base de la cultura sami". El Comité de Derechos Sami fue fundado en 1980-81 y en 1984 presentó el primer informe: "NOU 1984:18. Sobre la situación legal sami", el cual constituyó la base para la Ley Sami y el establecimiento del Parlamento Sami en Noruega en 1989. El segundo informe trata fundamentalmente sobre los derechos a los recursos naturales en Finnmark (norte de Noruega), donde vive la mayoría de los sami. El Comité de Derechos Sami propone el establecimiento de la administración de suelos de Finnmark como un nuevo órgano para administrar el suelo y los recursos no renovables en Finnmark.

La administración de suelos de Finnmark dispondrá de un consejo consistente de 8 miembros. El municipio de Finnmark y el Parlamento Sami nombrarán 4 miembros cada uno. La administración de suelos de Finnmark estará a cargo de la enajenación de suelos y recursos y debe tener una fuerte influencia sobre la actividad minera y la implementación de interferencias radicales en la naturaleza de Finnmark. Cinco de los 17 miembros del Comité de Derechos Sami proponen el establecimiento de una administración de suelos sami, que reemplazaría la administración de suelos de Finnmark en los municipios que estén de acuerdo. La administra-

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16 Conferencia Sami y Pueblos Indígenas de la Región de Barent. (Foto: Claus Oreskov)

ción de suelos sami tendría un consejo de 7 miembros. El Parlamento Sami nombra 5 miembros y el municipio de Finnmark nombra 2. La diferencia entre la administración de suelos sami y la administración de suelos de Finnmark, organizada con un estatuto legal independiente, es que la representación sami en el consejo y en las reuniones anuales del consejo será más fuerte en la administración de suelos sami que en la administración de suelos de Finnmark.
El Comité de Derechos Sami propone que los municipios y aldeas sean fortalecidos mediante un mayor derecho a la autogestión de los recursos renovables. El uso de recursos naturales no cultivados ha sido, y todavía lo es, algo muy central en la cultura sami. Por eso, el Comité de Derechos Sami piensa que apoyando el acceso de los pueblos locales a su propia naturaleza no cultivada, será posible promover la preservación y el desarrollo de la cultura y hábitos sami.

Los municipios administrarán los recursos renovables dentro de su área, dirigidos por un consejo municipal para la naturaleza no cultivada. Se trata en particular de la cuestión de la pesca del salmón en lagos y ríos, de caza y trampas, de recolección de huevos, plumones y moras. Se propone una mayor descentralización de la administración mediante el establecimiento de administraciones

de aldeas. Todo aquel que sea residente de una aldea, donde se establezca una administración aldeana, tendrá derechos al área. El uso de los habitantes de la aldea de las áreas tal como ha sido, y todavía los es, debe constituir una base importante para la demarcación de las áreas.

Los habitantes de la aldea deben tener el monopolio de la administración aldeana en proporción al resto de los habitantes del municipio, el cual no han tenido antes. Las aldeas deben ser capaces también de realizar preservaciones locales, vender permisos de caza y distribuir las facilidades de caza y colocación de trampas internamente. Los derechos de los rebaños de renos de los sami deben aplicarse a la ley de cría de renos en las áreas de administración aldeana. Es muy importante que los derechos sami de cría de renos no sean debilitados mediante el establecimiento de la administración aldeana.

El parlamento sami propuso dos años de audiencias públicas en las cuales las organizaciones sami pueden discutir el contenido del informe. En la sociedad sami existen muchas actitudes e intereses diferentes con respecto al informe del Comité de Derechos Sami y se espera un animado y enriquecedor debate.

Algunos se sienten decepcionados y otros están conformes con que la propuesta de administración local no esté basada en antecedentes étnicos. En Finnmark viven 3 pueblos étnicamente diferenciados. Los sami, inmigrantes finlandeses (kvaner) e inmigrantes noruegos. El Comité de Derechos Sami ha resuelto la cuestión étnica sami de manera tal que donde los sami sean mayoría, tendrán el control de los recursos renovables a través de organismos democráticos locales. Algunos piensan que esta es una solución muy simple para un problema muy complejo.

Svend-Roald Nystoe, líder de la Asociación para los Sami Noruegos y miembro del Comité de Derechos Sami destaca a los muchos descontentos que el informe del Comité de Derechos Sami debe ser considerado como el comienzo y no como el fin. Ahora comienza el trabajo de "lobby" y la preparación de la ley y es aquí que las organizaciones sami tendrán posibilidad de plantear sus puntos de vista.

Suecia

El 25 de noviembre de 1996 la Comisión Europea de Derechos Humanos rechazó las demandas de 38 aldeas sami referentes a los

derechos a la caza menor en la áreas sami. El antecedente de las demandas de las aldeas sami era un nueva ley que el Parlamento sueco promulgó en 1993.

La ley libera la caza menor sobre la línea de cultivos y en la montañas de pasturas de renos. Los derechos sami de caza y trampas, reconocidos en una Ley anterior de cría de renos 1971:437, fueron declarados inválidos. Que los sami no puedan administrar la caza en las áreas sami no sólo es una violación de los derechos sami sino que la caza es también inconveniente para la cría de renos.
La Comisión Europea de Derechos Humanos rechazó las demandas de las aldeas sami basándose en que éstas pueden presentar procedimientos contra el estado ante los tribunales ordinarios. La Comisión anota que la disputa en el presente caso concierne al derecho de los demandantes a cazar y pescar en ciertas áreas. Estos derechos son "derechos civiles" según el significado del Artículo 6 párr.1 del Convenio. Por lo tanto, esta previsión es aplicable a la actual demanda.

Fuentes:

Alaska
Anchorage Daily News
Caso David S.
Estado de Alaska
Tundra Times.

Sápmi
Decisión de la Comisión Europea de Derechos Humanos sobre la admisibilidad de la Demanda No. 27033/95 de KONKAMA y 38 otras aldeas sami contra Suecia.
Asuntos Indígenas No. 4 octubre/noviembre/diciembre, 1996.
Norges offentlige utredninger NOU 1997:4
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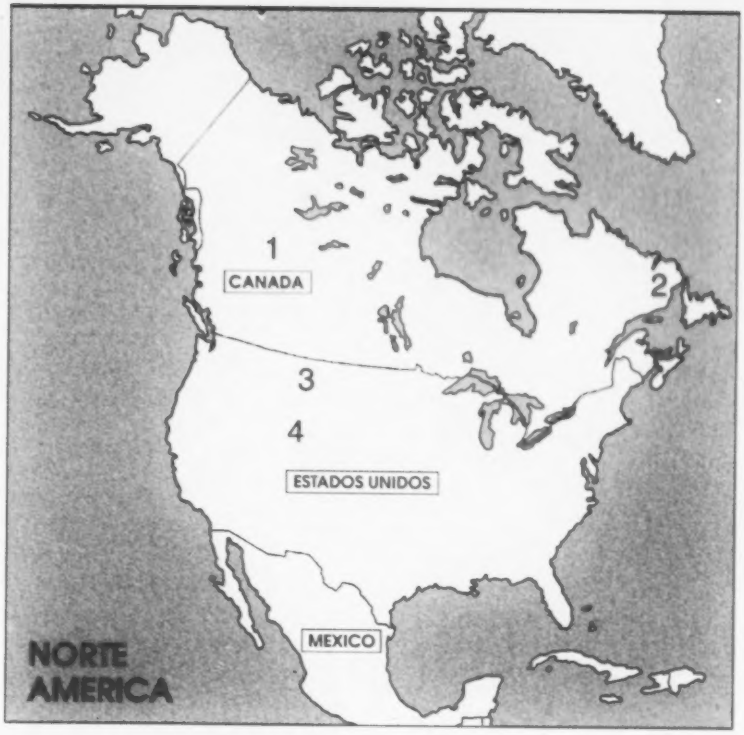

1. Lubicon

2. Innu

3. Blackfeet

4. Shoshone

AMÉRICA DEL NORTE

CANADÁ

Nación India Lubicon Lake

Las negociaciones entre los *lubicon cree*, el gobierno federal canadiense y el gobierno provincial de Alberta, que comenzaron en 1988, no han llegado a ningún lado ya que la Provincia de Alberta se "retiró" de un acuerdo obligatorio realizado en 1988 en Grimshaw, relativo al tamaño de la futura reserva lubicon. Como el gobierno provincial controla el territorio lubicon, las conversaciones entre los lubicon y el gobierno federal no tuvieron ningún progreso substancial.

Daishowa, la compañía que amenaza con limpiar de árboles a todo el territorio tradicional lubicon de 10.000 kilómetros cuadrados, ganó una decisión judicial contra la importante organización Amigos de los Lubicon (FOL), la cual organizó el eficiente boicot contra la compañía en Canadá desde 1992. Al otorgar el interdicto a Daishowa, el tribunal decidió que el intento primario de FOL al boicotear a Daishowa era causar un daño económico a la compañía, y no apoyar a la Nación Lubicon. Aunque el tribunal sostuvo que los boicots no son necesariamente ilegales, sentenció que son ilegales cuando tienen la intención específica de causar un daño económico al objeto del boicot. El tribunal también negó la posibilidad a FOL de apelar la decisión. El Boicot Daishowa no se ha detenido realmente, porque la decisión se aplica sólo a FOL pero no a otras organizaciones canadienses y a gente fuera de Canadá. Las organizaciones de consumidores y ambientales de los EE.UU. comenzaron un boicot internacional contra Daishowa.

También hay un boicot en marcha en Canadá y los EE.UU. contra Unocal/Union Oil de California que está operando una planta de gas ácido potencialmente peligrosa en la vecindad inmediata de la propuesta reserva lubicon y dentro de territorio lubicon no cedido. Este boicot está fundamentalmente organizado por organizaciones de los EE.UU. Por más información sobre Unocal ver "El Mundo Indígena" 1995/96.

Como los europeos aparentemente no tienen ninguna relación económica con Daishowa y Unocal, los lubicon y FOL llaman a un boicot del turismo al oeste de Canadá y Alberta. Se puede acceder a más información en "Asuntos Indígenas" 3/96 "Llamado a boicot".

Aunque la Nación India Lubicon Lake está ya enfrentada a muchos problemas, apareció uno nuevo durante 1996. Se descubrió que muchos lugares de la provincia de Alberta, incluyendo el territorio tradicional lubicon de Kimberlit, contenían cantidades explotables de diamantes. Muchas reivindicaciones ya han sido marcadas alrededor de la posible área de una futura reserva lubicon. Se supone que la compañía multinacional De Beers, que controla el 90% de la producción mundial de diamantes tiene la mayoría de los derechos de prospección, ya sea directa o indirectamente. No queda claro todavía si Kimberlit será ganada por el despojo o la minería subterránea.

Los hallazgos de Kimberlit podrían convertirse en una buena oportunidad para los lubicon para presionar a ambos niveles de gobierno a acordar su reivindicación de tierras porque las compañías mineras desean una clara situación legal.

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Los innu de Nitassinan (Labrador)

En Nitassinan (Labrador) continúan las preparaciones para la propuesta explotación minera de las reservas de níquel, cobre y cobalto en el área de la Bahía Voisey. Los pueblos indígenas del Labrador, los *inuitas* y los *innu*, han trabajado durante unos 20 años para establecer sus derechos territoriales con la Provincia. Sin embargo, todavía no está a la vista ningún acuerdo sobre sus derechos territoriales. El gobierno de Newfoundland y Labrador parece no estar apresurado para arreglar las demandas pendientes de los innu y los inuitas. Un importante interés del gobierno es lograr que la mina entre en operaciones lo antes posible. Sin embargo, los innu y los inuitas dicen que no puede haber ninguna actividad minera antes de que sus derechos territoriales sean reconocidos y establecidos.

Antes, en este año, el gobierno de Newfoundland anunció que nada de la tierra en torno a la Bahía de Voisey sería considerada parte de la reivindicación de tierras inuita, y que éstos no pueden esperan ningún derecho a los minerales de superficie, ningún derecho al subsuelo y ningún reparto de ingresos por concepto de "royalties", en un acuerdo. En cambio, el ministro adjunto del Labrador dijo que dependía de los indígenas obtener lo que puedan por sí mismos en negociaciones con la empresa gigante Voisey's Bay Nickel Co. Ltd. La Nación Innu esperaba el mismo tratamiento por parte del gobierno provincial.

Esto condujo inmediatamente a una importante protesta nacional e internacional. Además, de acuerdo a la Constitución canadiense, la Provincia no puede eliminar unilateralmente a la Bahía Voisey de las negociaciones sobre derechos territoriales. Sólo el gobierno federal lo puede hacer. El resultado final fue que la Provincia retiró su posición declarada más bien rápido, explicando que consistía sólo de una táctica de negociación. Tal comportamiento no favorece ciertamente una relación de confianza entre los pueblos indígenas y el gobierno.

De acuerdo a la ley canadiense, la mina no puede comenzar a operar antes de que se haya realizado una evaluación ambiental. Se nombró un Panel de cinco miembros, y en junio de 1997, publicaron las Directivas para la Declaración de Impacto Ambiental (EIS) que debe ser realizada por la Voisey's Bay Nickel Company (una subsidiaria de Inco). No obstante, aunque el Panel estaba haciendo las directivas, la Compañía reveló que ya había finalizado el EIS, y que sería publicado a mediados de julio de 1997. También anunció que habían cambiado algunos parámetros de las operaciones planeadas tal como se describe en el Memorándum de Entendimiento (MOU) entre las partes concernientes. La Compañía está planeando ahora más que duplicar la producción anual de mineral. Para hacer ésto, la Compañía aumentará la fuerza de trabajo de 500 a 2.000 trabajadores. Esto convertiría al campamento de trabajo de Bahía Voisey en la comunidad más grande de la costa del Labrador. Los impactos sociales negativos sobre la cercana comunidad innu de Utshimassits y la comunidad inuita de Nain serán probablemente importantes, así como también la invasión de la tierra y su fauna por los trabajadores.

Por tercera vez en tres años, la Voisey's Bay Nickel Company está tratando de construir un camino y una pista de aterrizaje en

Bahía Voisey este verano - a pesar del hecho de que todo el proyecto minero de Bahía Voisey es actualmente el objeto de una evaluación ambiental pública en curso según un acuerdo entre Canadá y Newfoundland, la Asociación Inuita del Labrador y la Nación Innu.

A pesar del hecho de que el proceso de evaluación está bien avanzado, y que en el otoño de 1996, la misma compañía acordó que el proyecto entero -incluyendo la infraestructura- debería ser objeto de una revisión ambiental comprehensiva, Voisey's Bay Nickel ha presentado ahora un registro separado para la infraestructura bajo el proceso provincial de evaluación ambiental, el 21 de mayo de 1997.

La Nación Innu cree que Voisey's Bay Nickel Company está tratando otra vez de socavar el proceso de evaluación ambiental y el trabajo del Panel de Revisión Ambiental bajo el Memorándum de Entendimiento (MOU) para acelerar el desarrollo de la mina y cumplir con sus ambiciosos objetivos productivos. Los objetivos innu, que incluyen el establecimiento de un acuerdo de derechos territoriales con el gobierno, la conclusión de un acuerdo de impacto-beneficios con la compañía, y la finalización de una evaluación ambiental comprehensiva de los impactos ambientales y sociales del proyecto, están siendo obstruidos por el deseo de Inco de obtener ganancias rápidas.

El propósito de una evaluación ambiental es predecir y evaluar los impactos de un proyecto antes de que se tomen decisiones irreversibles, y usar esta información para efectuar opciones apropiadas e informadas en la planificación del proyecto. Los caminos y pistas de aterrizajes son decisiones irreversibles con impactos reales. La Nación Innu cree que el proyecto entero debe ser evaluado como una totalidad. Los efectos de componentes particulares del proyecto, como el camino y la pista de aterrizaje, sólo pueden ser apreciados y comprendidos en el contexto de la mina que pretenden servir.

El Panel que revisa el Proyecto Bahía Voisey pidió a la provincia que rechazara la oferta de Voisey's Bay Nickel Company de construir un camino y una pista de aterrizaje en Bahía Voisey este verano.

En una carta a los Presidentes de la Nación Innu y de la Asociación Inuita del Labrador, y los Ministros del Medio Ambiente de Canadá y Newfoundland, el Presidente del Panel Leslie Griffiths declaró:

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"Mucha gente de las comunidades que visitamos dejaron en claro que considerarían la aprobación de los Trabajos de Apoyo a la Exploración como una señal de que el proyecto prosigue, sin considerar el actual proceso de revisión ambiental.

Si se otorgara la aprobación a los Trabajos de Apoyo a la Exploración, el Panel cree que la credibilidad del proceso de revisión será puesta en cuestión y que algunas comunidades o individuos abandonarían su participación. Esto perjudicaría obviamente la capacidad del Panel para realizar una efectiva revisión, a tiempo, del proyecto."

No obstante, las acciones de la Voisey's Bay Nickel Company y el gobierno de Newfoundland son tales que los innu juzgaron necesario solicitar una interdicción contra el trabajo de construcción de Bahía Voisey en el verano de 1997. La Nación Innu se presenta a la justicia para proteger la integridad del proceso de evaluación ambiental establecido por Canadá, Newfoundland, los innu y los inuitas para revisar el proyecto minero propuesto por Inco en Bahía Voisey.

A fines de junio de 1997, la Nación Innu presentó una declaración a la Suprema Corte de Newfoundland que impediría al Ministro del Medio Ambiente otorgar cualquier permiso o aprobación en relación a la infraestructura avanzada propuesta por la Voisey's Bay Nickel Company. La compañía sostiene que esta infraestructura es un proyecto separado, y está buscando la aprobación bajo el proceso de evaluación ambiental provincial. La decisión del gobierno de Newfoundland sobre el tema se espera para el 5 de julio de 1997, o antes.

La decisión de la Nación Innu de recurrir a la justicia es una continuación de una acción anterior de la Asociación Inuita del Labrador, que también está procurando una decisión legal para impedir cualquier tipo de actividades de explotación en el lugar antes de la finalización de la actual revisión ambiental.

El mensaje a los pueblos indígenas de la Provincia de Newfoundland y Labrador es claro, y es leído así por Daniel Ahini, el Vicepresidente de la Nación Innu:

"...Inco ha anunciado una vez más que tiene intenciones de construir la así llamada 'infraestructura avanzada' en el lugar (Bahía Voisey) este verano - ¡a pesar del hecho de que existe una revisión de Panel en curso! Según nuestro punto de vista, esto demuestra

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mucho desprecio por el proceso, y no permitiremos que sigan adelante.

Los innu son fuertes cuando estamos unidos, pero cada día es más difícil de creer que tendremos éxito en nuestra lucha contra una compañía tan grande y poderosa como Inco. La compañía está tratando de dividir a los innu, invitando a los Consejos de Tribu, que son responsables del desarrollo económico de nuestras comunidades, para ofrecer contratos para el trabajo de infraestructura avanzada. No hay dudas de que mucha de nuestra gente quiere trabajo - pero creo que Inco está solamente tratando de usar a esta gente para lograr lo que quieren. Dividir y conquistar es el juego más antiguo del libro colonial - y está sucediendo hoy en Nitassinan.

Cuando las compañías recurren a este tipo de tácticas, pienso en las historias que los mayores me han relatado sobre criaturas llamadas *atshen*. Habían sido una vez humanos, pero se convirtieron en caníbales, y sus corazones se convirtieron en hielo. Venían a los campamentos innu, pretendiendo tener frío y hambre, y una vez que estaban en las tiendas de campaña, trataban de matar y comerse a todos. Eran muy peligrosos, porque si te herían, te convertías también en *atshen*. Esto es lo que pienso que está sucediendo, y me pone triste y furioso ver lo que le está pasando a mi pueblo.

Nosotros sólo queremos ser respetados como un pueblo, y queremos que se nos de una oportunidad de determinar nuestro propio futuro. Para que esto suceda, necesitamos su apoyo. Junto con nuestros vecinos, los inuitas del Labrador, estamos tratando de asegurar que los aborígenes tengan una fuerte opinión sobre cómo se realizará la exploración y la explotación mineral en nuestras tierras. Hemos compartido el territorio en torno a Emish (Bahía Voisey) con los inuitas durante generaciones, y seguiremos consultándonos mutuamente para desarrollar frentes comunes cuando sea posible, sobre temas importantes. Somos pueblos diferentes, con diferentes historia e intereses, y cada uno de nosotros está negociando separadamente con el gobierno y la Voisey's Bay Nickel Company, pero ambos compartimos un fuerte interés en defender nuestra tierra y nuestros derechos. Tengo confianza en que si continuamos trabajando juntos -y con el apoyo de gente como Uds.- tendremos éxito en lograr un justo y respetable acuerdo con la compañía" *(Discurso de apertura en la Cena Anual del Fondo Canadiense de Defensa Ambiental).*

ESTADOS UNIDOS

Blackfeet

Una vez más, la prohibición de perforar en el Área de Badger-Two Medicine fue prolongada hasta el 30 de junio de 1997. Esta constituye ya la tercera posposición del permiso para realizar perforaciones petroleras y podría ser considerada como la decisión final de las autoridades federales. No obstante, este resto de tierras vírgenes que antes cubrían todo el noroeste de los EE.UU. está todavía en peligro de ser destruido por los pozos petroleros, los caminos de acceso y los oleoductos.

Aunque el Secretario del Interior, Bruce Babbit, anunció la creación de un llamado Distrito Cultural Blackfeet Tradicional (BTCD) dentro de los límites del Área de Badger-Two Medicine de acuerdo a la Ley Nacional de Preservación Histórica (NHPA), la recientemente emitida Declaración de Impacto Ambiental (EIS) del Servicio Forestal de los EE.UU. (USFS) amenaza a toda el área en gran escala. El USFS recomienda la apertura del lugar para la búsqueda de petróleo y minerales. La posibilidad de encontrar petróleo es de un 0,5%, mientras que el precio sería la destrucción de los lugares sagrados de los *blackfeet* y la polución de una zona intacta de tierras vírgenes a causa del ruido del tráfico y las industrias y los residuos petroleros provenientes de las pérdidas de los oleoductos y los pozos petroleros. Parece como una broma de mal gusto que a las compañías petroleras Chevron y Petrofina, las cuales ya obtuvieron los mencionados permisos de perforación, se les permitiría construir caminos de acceso y otras facilidades dentro de BTCD.

Las compañías petroleras involucradas, la Chevron americana y la belgo-americana Petrofina, son sólo la vanguardia de asalto de la industria minera. La seducción de los enormes recursos minerales de Alaska y la parte norte de los EE.UU. es todopoderosa. La obtención y realización de permisos de perforación petrolera crearía un precedente, con la apertura de estas reservas que yacen preferentemente en territorio indígena, para la explotación económica. El estudio recientemente publicado sobre la polémica referente a la perforación petrolera en el Área de Badger-Two Medicine por el Prof. Dr. Dieter Dörr, Catedrático de Derecho Público de la Universidad de Mainz, concluye que desde el punto de vista del derecho internacional, los blackfeet disponen del derecho a la autodeterminación de los pueblos igual que las otras naciones

indígenas norteamericanas. Los derechos de los blackfeet son salvaguardados por el derecho internacional. Al otorgar permiso para la perforación petrolera, los derechos de los blackfeet implícitos en los acuerdos de 1855, 1895 y los ajustes posteriores, serán perjudicados. El autor expone muchos argumentos que son útiles para otras Primeras Naciones Norteamericanas al referirse a varias fuentes del derecho estadounidense, declaraciones de las Naciones Unidas y declaraciones oficiales de los representantes de los EE.UU. en ocasión de conferencias de la ONU y la CSCE.

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Leonard Peltier

A pesar del reconocimiento mundial de su caso, Leonard Peltier está todavía en prisión. En 1977 fue sentenciado por el asesinato de dos agentes del FBI, el cual no cometió. Aunque la Comisión para la Libertad Condicional de los EE.UU. negó su libertad condicional, la lucha por la libertad de Leonard continúa. Siguen abiertas las posibilidades de una clemencia presidencial y la re-extradición al Canadá acompañada de una nueva investigación sobre las circunstancias de la extradición sucedida en 1976. Ambas decisiones legales han sido pospuestas por el presidente Clinton y el Ministro de Justicia canadiense, Allan Rock, durante cuatro y tres años respectivamente. Es de mucha urgencia continuar con las campañas de cartas y fax para presionar en favor de una rápida decisión.

Los comités de defensa estadounidenses y canadienses fueron muy activos en la organización de campañas de apoyo. Un muy importante acontecimiento fue organizado en forma conjunta con varios grupos de apoyo europeos. Organizaron una *Corrida por la libertad de Leonard Peltier y todos los pueblos indígenas* que comenzó en Auschwitz/Polonia y pasó por Eslovaquia, la República

Checa, Austria, Alemania y Francia para llegar a Ginebra en Suiza. Durante la marcha, se celebraron muchos encuentros, en los cuales el público y los medios de prensa de esos países fueron informados sobre la situación de los pueblos y sobre el caso Peltier. Los corredores eran representantes de naciones indígenas de América del Norte y del Sur y activistas europeos. La parte final consistió de una vigilia de oración de los representantes de delegados indígenas a la 14a. Sesión de las Naciones Unidas.

El músico rockero canadiense Greg Keelor inició y coordinó la emisión del CD *Pine Ridge - Una carta abierta a Allen Rock (Canciones para Leonard Peltier)*. Se inspiró en Frank Dreaver, fundador del Comité de Defensa de Leonard Peltier en Canadá. El CD fue sacado por Warner Music Canadá y presenta canciones de Sarah McLachlan, Jane Siberry, Ashley MacIsaac, y The Skydigger. También incluye grabaciones originales de Greg Keelor y Jim Cuddy de Blue Rodeo, Bob Wiseman y recitados del poeta Michael Ondaatje.

El ex Ministro de Asuntos Indígenas del Canadá, comprometido simpatizante de los pueblos indígenas, Warren Allmand, miembro parlamentario, realizó una declaración en el Senado de los EE.UU. en favor de Leonard Peltier. Su declaración se puede consultar bajo el No. S7170 del 27 de junio de 1996.

En los EE.UU., Dennis Banks, Director de Campañas de AIM y uno de los organizadores de la ocupación de Wounded Knee en 1973, y Floyd Red Crow Westerman, un famoso actor cinematográfico y televisivo, organizaron una "Gira por la Campaña Traer a Peltier de Vuelta al País" en diciembre de 1996. La gira fue un éxito tanto por la actuación artística como por el resultado político.

Además, el Consejo Tribal de Pine Ridge/Dakota del Sur, donde tuvo lugar el fatal intercambio de disparos el 25 de junio de 1975, renovó su apoyo a Leonard Peltier y exigió, a través de una resolución, su inmediata liberación.

Finalmente, Leonard está en una mala condición física. En febrero fue operado de la mandíbula para corregir un viejo problema. No pudo abrir su boca durante semanas y ocurrieron varias complicaciones. A sus abogados no se les permitió ver los informes médicos. Poco tiempo después de la operación, se vio obligado a continuar con su trabajo en la fábrica de muebles a pesar de su condición médica. La inflamación de su mandíbula, los ojos lagrimeantes, y los dolores de cabeza hacen que este tipo de trabajo sea intolerable para él.

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Shoshone occidentales

Durante 1996, la situación de las Naciones Shoshone Occidentales ha mejorado ligeramente por un lado pero por otro empeoró seriamente.

Como se mencionó en el anuario pasado, el proyecto del Municipio Lander de construcción de un parque recreativo y una represa en Rock Creek (*Bah-tza-gohm-bah*) fue considerado una seria amenaza contra un área de una importancia espiritual y cultural significativa y que también tiene el carácter de cementerio. Durante 1996, las campañas masivas de protesta de los gobiernos de los *shoshone occidentales*, organizaciones y particulares de Nevada, los EE.UU. y los países europeos produjeron una constante corriente de oposición. Además, en marzo de 1996, se celebró una conferencia de prensa en Reno, Nevada, anunciando el intento del Consejo Tribal Battle Mountain de plantear un litigio costoso al proyecto de embalse. Al acontecimiento asistieron más de once gobiernos y organizaciones representativas shoshone occidentales y *washoe*.

Entonces, enfrentado a esa oposición masiva, los Comisionados del Municipio Lander se dirigieron a su electorado. En las elecciones del 5 de noviembre, los votantes del Municipio de Lander fueron interrogados sobre si el proyecto de embalse de Rock Creek debería continuar, o si debería ser abandonado. Las organizaciones locales, entre ellas el Proyecto de Defensa Shoshone Occidental, el Programa Nativo de Alerta Ciudadana, el Consejo de la Tribu Battle Mountain y la Coalición Ambiental India de Nevada hicieron circular panfletos y compraron espacio para anuncios en los periódicos para hacer saber a los votantes del Municipio la importancia de Rock Creek para la Nación Shoshone Occidental. Como resultado de estos esfuerzos, los votantes del Municipio de Lander votaron abrumadoramente en contra del proyecto de Rock Creek con un margen de 1.522 contra 647. Como declaró el Presidente de

Mina de oro en la tierra de la nación de los shoshone occidentales (Battle Mts., Nevada). (Foto: Ian Zabate)

Battle Mountain, Gelford Jim, "(la votación probó) ... la protección (del) derecho de los indígenas a continuar practicando su religión en los lugares que tenemos como sagrados tal como nuestros ancestros lo hicieron durante más de siete mil años". La razón oficial del por qué se celebró la votación fueron los elevados costos. Pero la impresión de la campaña de protesta no debería ser subestimada.

Pero sigue en pie el hecho de que Rock Creek, así como también otros lugares sagrados son todavía vulnerables a futuro daños. Rock Creek está cerca de lo que se llama el "Carlin Trend", un depósito de oro de renombre mundial que está actualmente explotado por varias corporaciones auríferas transnacionales. A nada más que 18 millas al este de Rock Creek queda una de las minas más grandes del noreste de Nevada. La mina está bombeando 70,000 galones por minuto de agua para buscar microscópicas partículas de oro que se encuentran a miles de pie de profundidad. En forma general, las compañías mineras están constantemente explorando nuevas áreas y están expandiendo sus operaciones por toda el área en cuestión. Ya hoy, aproximadamente el 60% de la producción de oro de los EE.UU. está centrada en esta porción de tierra de la Nación Shoshone Occidental.

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Por lo tanto, el Consejo Nacional Shoshone Occidental, el Proyecto de Defensa Shoshone Occidental y, en particular, la familia Dann están solicitando ayuda inmediata para proteger un lugar de importancia cultural y espiritual. La aparentemente recién establecida "Oro Nevada Mining Company" presentó en 1996 una Carta de Intención al Departamento de Manejo de la Tierra para llevar a cabo perforaciones exploratorias de oro directamente sobre una fuente de aguas termales localizada aproximadamente una milla al sur del Rancho Dann en Crescent Valley, Nevada. Esta fuente y el área circundante son de una extrema importancia espiritual y cultural y no deben ser disturbadas por la actividad minera. La fuente termal cerca del rancho Dann es especialmente vulnerable a causa de su bajo fluido. Además, previas perforaciones exploratorias han destruido otras fuentes termales del área. Hasta la fecha, Oro Nevada ha finalizado al menos cuatro de los dieciséis pozos planeados, de una profundidad de mil pies. Oro Nevada, que ya controla unos 94.000 acres en Crescent Valley, y su red de compañías involucradas que la apoyan logró juntar unos $40 millones para la compra de tierras públicas y privadas. Pero estos títulos a la tierra son, por lo menos, dudosos y la Nación Shoshone Occidental alega que los varios parcelamientos están todavía bajo su jurisdicción de acuerdo al Tratado de Ruby Valley de 1867.

Además, los resultados de investigaciones muestran que la administración de Oro Nevada ha estado involucrada previamente en proyectos mineros en Africa, en Borneo y en la Guayana Francesa, donde las actividades de sus compañías causaron severos daños ecológicos.

La intrusión de la actividad minera en esta área sagrada representa un ataque a la libertad de religión, un derecho garantizado por la Constitución de los EE.UU. Además, la paz de la tumba del shoshone Mike y su familia, que fueron asesinados en ocasión de la última masacre cometida contra indígenas norteamericanos en 1908, está amenazada por 300 pies de desechos rocosos. Además, los ataques de la Oro Nevada y otras compañías mineras como "Santa Fé Pacific Gold Corporation" contra la libertad religiosa y cultural, la situación jurídica, el daño ecológico de la tierra árida y sus limitados recursos de agua, son ya importantes y serán incluso mayores en el futuro cercano. Las minas actuales de Santa Fé en el Cañón Mule y Twin Creek secan potencialmente de 16 a 23 fuentes. Hasta el día de hoy el BLM no ha completado ningún estudio de

impacto acumulativo de los efectos a largo plazo del bombeo de toda esta agua de la cuenca del Río Humboldt. Los lagos de los pozos artificiales que quedarán después que se haya finalizado la actividad minera tendrían agua de calidad muy mala, con diferentes metales pesados y otros minerales tóxicos que se filtran en el agua con el correr del tiempo. De esta forma, el ganado de los shoshone y su agua potable serán afectados durante el tiempo planeado de vida de las minas de unos 15 años.

Por más información:

Western Shoshone Defense Project
POB 211106, Crescent Valley, Nevada 89821, EE.UU.
tel.: 702-468-0230, fax. 702-468-0237,
e-mail: wsdp@igc.org
web page: http://www.alphacdc.com/wsdp

Por favor enviar cartas y fax de protesta al President Clinton de los EE.UU., al Ministro del Interior Bruce Babbitt y a las autoridades locales del BLM, así como también a Oro Nevada.

Shoshone timbisha

El territorio aborigen de los *shoshone timbisha* (o *panamint*) cubre aproximadamente 11 millones de acres en el este de California y el noroeste de Nevada. De esta área, el Parque Nacional de Death Valley contiene alrededor del 80% de la conocida área tradicional, cultural y sagrada de la tribu.

Hasta el establecimiento del Parque Nacional de Death Valley en 1993, los shoshone timbisha habían sido una parte integral de la ecuación ecológica. Cultivaban mesquito, piñones y otras plantas indígenas para su alimentación, desarrollando y preservando brotes para su propio uso y para proteger y enriquecer la flora, y quemaban selectivamente la vegetación inferior para impedir incendios forestales en las montañas.

Con el establecimiento del Parque Nacional, los timbisha perdieron una gran extensión de su territorio tradicional y les fue permitido jugar el papel de visitantes tolerados de largo plazo. Sus posibilidades de vivir según su estilo de vida tradicional se hicieron más y más limitadas. El Servicio de Parques y varias autoridades federales se apoderaron de las funciones tradicionales de los timbisha y manejaron los recursos del parque de una forma que creen

es la mejor y la única. A esas autoridades se les ocurrió que ya no hay espacio suficiente para las pocas docenas de timbisha además de los millones de visitantes de un día de los EE.UU., Europa y Japón. Los timbisha sólo tienen ahora un campamento diminuto de 40 acres de acuerdo a una serie de permisos de uso temporario. El actual intento de expulsar a los timbisha del Parque sería el acto final de expulsión de su territorio. Bajo la protección de la Ley de Protección del Desierto de California de 1994, representantes del Servicio Nacional de Parques (NPS) y del Departamento de Manejo de la Tierra (BLM) tratan de negar la permanencia de los timbisha en su territorio. Pero la ley exige también un estudio ambiental e incluye el deber de las autoridades de encontrar tierras adecuadas para los timbisha dentro de los límites del parque. Esta exigencia fue agregada después de una insistencia larga y persistente de la tribu en los años 80. Por lo tanto, los timbisha no van a aceptar un acuerdo de arrendamiento a largo plazo de una diminuta parte de su territorio o la creación de una no deseada reserva fuera del Parque a cambio de los antes mencionados permisos de uso temporario. Una reunión del 7 de marzo de 1996 debería aclarar las diferentes posiciones. De acuerdo al Comunicado de Prensa de la tribu, "...funcionarios federales de NPS y BLM dijeron a líderes de la Tribu Shoshone Timbisha que su jefe, el Ministro del Interior, Bruce Babbitt, ha decidido expulsarlos de los últimos restos de sus territorios tradicionales en Death Valley".
A través de los tiempos, los timbisha ya se han dado cuenta que las autoridades estadounidenses no vacilan en usar todas las medidas posibles. En los años 30, la tribu fue forzada a vivir detrás de una alambrada de púas que circundaba su campamento de reasentamiento.

La *Propuesta Timbisha de Devolución de Tierras* identifica unos 850.000 acres de tierra que podrían ser usadas por la tribu para actividades culturales tradicionales. La protección de la fauna, la construcción de facilidades adecuadas para su entorno, y el uso de tecnologías de energía renovable son algunos de los puntos de la agenda de los timbisha.

Para defender a su tierra, los timbisha han iniciado una campaña internacional de protesta y formaron la "Alianza para Proteger los Derechos Nativos en los Parques Nacionales" junto con la Tribu Miccosukee de indígenas de Florida Everglades, la Tribu Hualapai del Gran Cañón, los pai ohana de Hawaii, los cinco Pueblos Indios Sandoval Inc. y las Divisiones de Recursos Naturales de la Nación Navajo. Estas tribus tienen en común la política general del NPS de que la preservación ambiental es sólo posible sin la alteración de los

pueblos nativos. Pero las tendencias nacionalistas estadounidenses y los prejuicios contra los derechos de los pueblos nativos crearon el mito de que el manejo de los pueblos nativos era salvaje e inadecuado. Pero el tratamiento dictatorial de los pueblos nativos constituye una amenaza a su supervivencia física y cultural.

Por favor, enviar cartas y fax de protesta al Presidente Clinton de los EE.UU. y el Ministro del Interior, Bruce Babbitt.

Por más información:
Timbisha Shoshone Land Restoration Project
POB 206, Death Valley
Ca 92328-0206, EE.UU.
Tel.: 619-786-2374, Fax. 619-786-2375

Indígena ojibwa como candidata a Vicepresidente

En la campaña presidencial del año 1996, el Partido Verde de los EE.UU. eligió a la indígena *ojibwa* Winona LaDuke como candidata a la Vicepresidencia. Aunque ella y su partido no tenían posibilidades reales de ganar las elecciones, la selección debe ser considerada como una importante señal sobre cómo la cooperación entre los ecologistas blancos y los activistas indígenas puede funcionar en forma satisfactoria. Winona LaDuke trabaja en el Partido Verde con la determinación de llamar la atención pública sobre los problemas de las Primeras Naciones. En una entrevista, subrayó que los "indígenas no son pobres porque sean estúpidos" y exigió que una sociedad fuera medida en relación a las condiciones de vida de los más pobres del estrato social.

Winona LaDuke está sumamente comprometida con los temas de los derechos humanos y de la protección ambiental. Como miembro de la "White Earth Band" de ojibwa, en Minnesota, fue una de las fundadoras del Proyecto de Recuperación de Tierra de su tribu. Además, fundó la Red de Mujeres Indígenas y es miembro de la sección estadounidense de "Greenpeace".

Abuso político de nativos norteamericanos

Dos nativos norteamericanos, Gerald Northrup (*chippewa*) y Edward Godfrey (*sioux dakota*) participaron en la Reunión Anual '96 del partido alemán nacionalista DVU (Unión del Pueblo Alemán), de extrema derecha. Esta reunión tuvo lugar el 28 de septiembre de 1996 en Passau, sur de Alemania, con una asistencia de unos 6.000 miembros alemanes. Mientras que varios oradores expresaron pun-

tos de vistas racistas y generalmente finalizan con "Alemania por arriba de todos", Northrup y Godfrey hablaron en sus lenguas tribales sobre el genocidio de los pueblos indígenas de América del Norte y de sus tradiciones nativas. Ni Northrup ni Godfrey hablan alemán. Más tarde, cuando se dieron cuenta del abuso que significaba su asistencia a la reunión, lo lamentaron mucho y dejaron en claro que no tenían idea del real propósito de la reunión.

Uno se podría preguntar por qué un partido racista, derechista, está interesado en decorar su reunión con nativos. Hay dos razones. La razón principal es el deseo de mostrar un apoyo internacional y la confirmación de sus puntos de vista racistas y políticos. La otra razón es probablemente la tendencia alemana al romanticismo. Desde el siglo XVIII, los indígenas norteamericanos en particular han sido considerados o bien como "salvajes" o jefes de mente noble. "El último de los Mohicanos" de J. F. Cooper es sólo el ejemplo más famoso de la aureola heroica atribuida frecuentemente a los indígenas norteamericanos.

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Estados Unidos
Blackfeet Support Group, Berlín
Society for Threatened Peoples, Alemania
Big Mountain Action Group
Leonard Peltier Defense Committee, Scarborough, Canadá
Native List

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1. Hichol

2. Nahua

3. Maya

4. Tawahka

5. Sumu

6. Miskito

7. Kuna

8. Ngobe-Bugle

9. Embera-Waunan

MÉXICO Y AMÉRICA CENTRAL

MÉXICO

El año 1996 fue un año importante para la lucha indígena en México y sus, por lo menos, 56 importantes grupos étnicos indígenas. Se realizaron importantes avances que pueden también ser importantes para el movimiento indígena internacional. Después de un importante trabajo de consolidación durante 1995, el movimiento de organizaciones indígenas, anteriormente disperso, formó una fuerza conjunta con el EZLN -el Ejército Zapatista de Liberación Nacional- para la formación del Congreso Nacional Indígena. La lucha indígena en México se convirtió así en un proyecto político compartido.

El más importante resultado de este trabajo político coordinado fue la firma de los Acuerdos de San Andrés sobre Derechos y Cultura Indígena, entre el EZLN y el gobierno federal, el 16 de febrero de 1996. Sin embargo, el gobierno mexicano rehusó luego reconocer el acuerdo firmado, y su futuro es hoy sumamente incierto. No obstante, el acuerdo se ha convertido en un importante mojón para las aspiraciones indígenas relativas a la libre determinación y a una participación política y social igualitaria en la sociedad nacional mexicana. Como tal, puede tener implicaciones políticas para la lucha indígena en general, especialmente en América Latina, y su aspiración de que las constituciones nacionales reconozcan y defiendan el carácter multiétnico del país.

Los Acuerdos de San Andrés desean crear lo que es llamado una "nueva relación" entre el estado y los pueblos indígenas y presenta una amplia gama de propuestas de cambios de las leyes nacionales y la constitución y también de las políticas estatales. La base de esta nueva relación es una garantía constitucional de libre determinación para los pueblos indígenas de México y su derecho a una cultura e identidad étnica diferenciadas. Las comunidades y los pueblos indígenas deberían, dice el Acuerdo, tener el derecho a decidir su organización interna social, cultural, económica y política y aplicar sus propios sistemas normativos y reglamentarios,

mientras que no violen la constitución mexicana o los derechos humanos. Deberían también tener un derecho colectivo al territorio en el cual viven y a sus recursos naturales, de acuerdo con el Convenio 169 de la OIT (que México ha ratificado).

En los Acuerdos se destaca que las comunidades indígenas deberían ser reconocidas como entidades de derecho público. Cuando los habitantes así lo deseen, deberían tener el derecho a formar unidades sociales mayores con otras comunidades como municipios o incluso como asociaciones de varios municipios, mientras que ésto no amenace la soberanía nacional. Se debe crear una nueva forma de federalismo, en el cual los pueblos indígenas tengan garantizada la participación política y la representación en la federación nacional como comunidades o pueblos. Esta participación política no debería tener que darse en la forma de partidos políticos.

Los Acuerdos han obtenido una gran atención nacional, también fuera de los grupos indígenas. Su intento de crear un nuevo México, democrático y multiétnico, ha sido apoyado por los intelectuales, los abogados y las organizaciones sociales. Otros han sido más críticos, temiendo una "balcanización" y un descuido de los derechos individuales dentro de las comunidades indígenas autónomas. A pesar de los diferentes puntos de vista, parece que las demandas indígenas por la libre determinación no solamente se ha convertido en algo ampliamente conocido sino también debatido como proyecto político de interés nacional.

La firma de los Acuerdos de San Andrés y la formación del Congreso Nacional Indígena fue precedida por un trabajo consolidatorio sin precedentes, tanto dentro del movimiento indígena como entre este movimiento y el EZLN, superando algunas tensiones existentes durante los años previos.

El primer intento serio de movilización nacional de organizaciones y pueblos indígenas de México fue realizado en 1992 con las manifestaciones en torno a los 500 años de resistencia. Aunque fueron seguidas por algunas reuniones regionales e internacionales, no hubo ningún encuentro nacional hasta la Convención Nacional Indígena de diciembre de 1994. Esta fue seguida en 1995 por la formación de ANIPA (Asamblea Nacional Indígena Plural por la Autonomía). Durante una secuencia de encuentros nacionales, ANIPA elaboró una propuesta de cambios constitucionales para la creación de la libre determinación indígena y nuevas formas de representación y participación política indígena.

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Paralelamente, el EZLN preparó demandas similares para presentar en las negociaciones que estaban por comenzar con el gobierno, relativas a los Derechos y Cultura Indígenas, y que fue el primero de una serie de temas nacionales a ser negociados entre las dos partes. La primer ronda de negociaciones tuvo lugar en octubre de 1995. Como en anteriores negociaciones, los mediadores entre las dos partes eran Cocopa, representando al Congreso, y Conai, representando a la sociedad civil.

Del 3 al 8 de enero de 1996, el EZLN, junto con Cocopa y Conai, invitaron a casi 500 representantes de más de 30 pueblos y organizaciones indígenas de todo el país, muchos de los cuales eran miembros de ANIPA, al Foro Nacional Indígena. En el Foro, celebrado en San Cristóbal de las Casas, Chiapas, se acordaron proposiciones conjuntas para las negociaciones. Estas fueron presentadas por el EZLN y sus asesores en la ronda final de negociaciones en febrero, cuando se firmaron los resultantes Acuerdos de San Andrés junto con el gobierno, con gran atención por parte de los medios de difusión nacionales.

Durante el verano y el otoño hubo una creciente presión de las organizaciones y comunidades indígenas sobre el gobierno, expresada en manifestaciones y peticiones, para que presentara planes para la implementación de los firmados Acuerdos de San Andrés. Exigían la formación de la Comisión de Seguimiento y Verificación (Cosever) cuya tarea debería ser presentar una iniciativa legislativa de reformas constitucionales al Congreso, posibilitando así la implementación de los Acuerdos.

Otra vez, tanto el EZLN como el movimiento civil indígena se convirtieron en responsables de la forma final de tal propuesta legislativa. El Foro Permanente Nacional Indígena, formado después del Foro, en enero, por iniciativa del EZLN, analizó y articuló junto con especialistas, abogados y expertos constitucionales las diferentes alternativas para transformar las demandas indígenas expresadas en los Acuerdos, en cambios concretos de la constitución.

En octubre, el Foro Permanente fue transformado en el Congreso Nacional Indígena -CNI- con el EZLN como participante integral. En la reunión constitutiva, celebrada en la Ciudad de México del 8 al 11 de octubre, el EZLN fue representado por la Comandante Ramona, quien viajó a la ciudad después de que el gobierno garantizó su seguridad e inmunidad legal. El CNI asumió como tarea principal asegurar la implementación de los Acuerdos de San Andrés.

El mes siguiente, Cocopa y Conai se reunieron con el EZLN en Chiapas, y, finalmente, se estableció una Comisión de Seguimiento y Verificación con representación del EZLN, el gobierno federal, y la sociedad civil. A Cocopa se le otorgó la autoridad para redactar la propuesta final del texto a ser presentado al Congreso. Las dos partes, el EZLN y el gobierno, sólo podían decir "sí" o "no" sobre la aceptación del documento, sin hacer modificaciones al texto.

El 29 de diciembre, Cocopa presentó su propuesta de reformas constitucionales sobre Derechos y Cultura Indígenas a ambas partes. Mientras que el EZLN aceptó la propuesta, el gobierno requirió un periodo de 15 días para examinar el texto. Las respuesta del presidente Zedillo y sus asesores fue una contrapropuesta, que implicaba algunos cambios considerables al documento de Cocopa. Después de revisar la respuesta del gobierno, el EZLN la rechazó vehementemente en una reunión con Cocopa el 11 de enero de 1997. La contrapropuesta también ha sido rechazada por el Congreso Nacional Indígena.

La contrapropuesta del gobierno, argumentan el EZLN, el CNI y sus asesores, no refleja los Acuerdos de San Andrés en varios puntos fundamentales, especialmente en lo referente a la definición de quiénes son pueblos indígenas, el derecho a territorio, la situación legal de la comunidad indígena y la posibilidad de las comunidades de formar conjuntamente municipios mono- o multiétnicos. Varios derechos garantizados en la propuesta de Cocopa están ahora debilitados por la adición de condiciones calificativas. En total, las críticas eran correctas, es un texto que no implicaría ninguna mejora significante de los derechos de los pueblos indígenas. Por el contrario, es considerado como una provocación y un despliegue de falta de respeto. El EZLN argumenta que el gobierno muestra así que no está dispuesto a reconocer los acuerdos realizados en las negociaciones, haciendo superfluas futuras negociaciones.

Las negociaciones de paz entre el gobierno y el EZLN se suspendieron ya en septiembre de 1996, cuando el EZLN presentó cinco condiciones que deber ser cumplidas antes de poder retomar las negociaciones. Con la actual situación, es incierto cuándo las partes continuarán con las negociaciones. Cocopa ha declarado que no presentará su propuesta al Congreso, ya que tendrá escasas posibilidades de ser aprobada, mientras que el EZLN exige que el documento debe ser presentado. La CNI ha llamado a una Campaña de Movilización Nacional por el reconocimiento de los derechos

indígenas y por la implementación de los Acuerdos de San Andrés. Algunos observadores temen una acción militar del gobierno, o sectores del gobierno, contra el EZLN, especialmente desde que la presencia militar aumentó significativamente después del rechazo del EZLN de la contrapropuesta gubernamental.

La situación general de militarización y hostilidades contra el EZLN y la sociedad civil indígena se ha agravado durante 1996, especialmente durante los últimos meses del año. En Chiapas, se estima que hay unos 40.000 efectivos militares, la mayoría de los cuales están ubicados y vigilando en la zona del conflicto donde se sospecha la presencia del ejército Zapatista o de grupos de apoyo. Se informa repetidamente sobre hostilidades contra la población. Durante el año ha habido una creciente vigilancia militar en la región de la Sierra Madre, donde se sospecha que los campesinos indígenas están armados por la guerrilla del EPR, que apareció en Guerrero en 1995. En la región norte del estado hay un serio clima de confrontaciones y violencia entre grupos fundamentalmente paramilitares o simpatizantes del partido gubernamental PRI, y habitantes simpatizantes del EZLN, organizaciones indígenas o partidos opositores. También existen hostilidades similares contra miembros indígenas de organizaciones sociales o partidos opositores en otros estados, especialmente Guerrero y Oaxaca. El Congreso Nacional Indígena (CNI) ha experimentado hostilidades y represión contra sus organizaciones miembro y los líderes sociales, así como también contra representantes de la Comisión de Seguimiento del CNI.

Existe también un aumento de las hostilidades dirigidas contra ONGs que trabajan en apoyo al movimiento indígena o a la población indígena en general, o que documentan violaciones de los derechos humanos. Las hostilidades asumen la forma de quema de oficinas o residencias privadas, amenazas de muerte, secuestros o visitas "hostiles" por parte de hombres anónimos. Muchos de estos incidentes han sido conocidos internacionalmente y han habido respuestas masivas de parte de comités de solidaridad y otras ONGs que condenan las hostilidades y exigen acción judicial y protección por parte del gobierno mexicano.

La situación general para los pueblos indígenas en México se está deteriorando y muchos experimentan que las condiciones de vida son cada vez más difíciles y un empeoramiento de la salud. Esto es debido en gran medida a las políticas neoliberales del

gobierno, incluyendo, entre otras cosas, continuos cortes de los subsidios estatales y créditos para el sector rural y la desregularización de precios de productos agrícolas controlados por el estado. Una reacción de los campesinos es el Movimiento Maicero de Chiapas, el cual ha bloqueado varias autopistas en demanda de precios más elevados para el maíz. Otras reacciones son el continuo apoyo a las demandas del EZLN o la movilización del movimiento nacional indígena y su formación de la CNI. Un continuo progreso de los Acuerdos de San Andrés y la renovación de las negociaciones de paz entre el EZLN y el gobierno federal son probablemente fundamentales para una mejora del clima político.

Los Acuerdos de San Andrés sobre Derechos Indígenas y Cultura entre el EZLN y el gobierno federal - Febrero 16, 1996 (Extracto)

Contexto de la nueva relación (extracto)

1. La historia confirma que los pueblos indígenas han sido objeto de formas de subordinación, desigualdad y discriminación que les han determinado una situación estructural de pobreza, explotación y exclusión política. Confirma también que han persistido frente a un orden jurídico cuyo ideal ha sido la homogeneización y asimilación cultural. Confirma, finalmente, que para superar esa realidad se requieren nuevas acciones profundas, sistemáticas, participativas y convergentes de parte del gobierno y de la sociedad, incluidos, ante todo, los propios pueblos indígenas.

[...] En síntesis, se requiere un nuevo esfuerzo de unidad nacional, que el actual Gobierno Federal, con la participación de los pueblos indígenas y el conjunto de la sociedad, se compromete a impulsar, para que no haya mexicanos con potencialidades restringidas, que debe servir para que México se engrandezca asumiendo con orgullo la historia milenaria y la riqueza espiritual de los pueblos indígenas, y para que desarrolle a plenitud todas sus potencialidades económicas, políticas, sociales y culturales.

2. Las condiciones de pobreza y marginación que afectan a los pueblos indígenas, muestran el carácter desigual del desarrollo de la sociedad mexicana, y definen el alcance de las exigencias de justicia social que debe atender el Estado para concurrir al progreso de ese importante núcleo de mexicanos. El Gobierno Federal está consciente de esa responsabilidad, y expresa su firme voluntad de impulsar las políticas y emprender las acciones que resuelvan

esa tarea nacional. Asume cabalmente el compromiso de fortalecer la participación de los pueblos indígenas en el desarrollo nacional, en un marco de respeto a sus tradiciones, instituciones y organizaciones sociales, y de mayores oportunidades para mejorar sus niveles de vida, de mayores espacios políticos y culturales para avances futuros, y de mayor acceso a la construcción conjunta de una sociedad más moderna y eficiente, más vigorosa y unida, más plural y tolerante, y que distribuya equitativamente los frutos del desarrollo. Los pueblos indígenas contribuirán con lo mejor de sus propias culturas a esa edificación de una sociedad plural y tolerante.

[...] El Gobierno Federal asume que el establecimiento de esta nueva relación con los pueblos indígenas, le asigna el compromiso de contribuir a resolver sus problemas esenciales, y de que esa acción deberá expresarse en políticas sistemáticas y concretas, con apego a las modalidades que impongan las diversidades regionales y las características propias de cada pueblo indígena.<BT>

Reformas constitucionales sobre derechos indígenas 1996

Propuesta de la COCOPA - 29 de noviembre de 1996 (extracto)

Artículo 4.- La Nación mexicana tiene una composición pluricultural sustentada originalmente en sus pueblos indígenas, que son aquéllos que descienden de poblaciones que habitaban en el país al iniciarse la colonización y antes de que se establecieran las fronteras de los Estados Unidos Mexicanos, y que cualquiera que sea su situación jurídica, conservan sus propias instituciones sociales, económicas, culturales y políticas, o parte de ellas.

Los pueblos indígenas tienen el derecho a la libre determinación y, como expresión de ésta, a la autonomía como parte del Estado mexicano, para:

I.-Decidir sus formas internas de convivencia y de organización social, económica, política, y cultural;

II.-Aplicar sus sistemas normativos en la regulación y solución de conflictos internos, respetando las garantías individuales, los derechos humanos y, en particular, la dignidad e integridad de las mujeres; sus procedimientos, juicios y decisiones serán convalidados por las autoridades jurisdiccionales del Estado;

III.-Elegir a sus autoridades y ejercer sus formas de gobierno interno de acuerdo a sus normas en los ámbitos de su autonomía, garantizando la participación de las mujeres en condiciones de equidad;

IV.-Fortalecer su participación y representación política de acuerdo con sus especificidades culturales;

V.-Acceder de manera colectiva al uso y disfrute de los recursos naturales de sus tierras y territorios, entendidos éstos como la totalidad del hábitat que los pueblos indígenas usan u ocupan, salvo aquellos cuyo dominio directo corresponde a la Nación;

VI.-Preservar y enriquecer sus lenguas, conocimientos y todos los elementos que configuren su cultura e identidad, y

VII.-Adquirir, operar y administrar sus propios medios de la comunicación.

Acuerdos de San Andrés sobre Derechos Indígenas y Cultura entre el EZLN y el gobierno federal - Febrero 16, 1996

Compromisos del gobierno federal con los pueblos indígenas

1. Reconocer a los pueblos indígenas en la Constitución general. El Estado debe promover el reconocimiento, como garantía constitucional, del derecho a la libre determinación de los pueblos indígenas que son los que descienden de poblaciones que habitaban en el país en la época de la conquista o la colonización y del establecimiento de las actuales fronteras estatales, y que, cualquiera que sea su situación jurídica, conservan sus propias instituciones sociales, económicas, culturales y políticas, o parte de ellas. La conciencia de su identidad indígena deberá considerarse un criterio fundamental para determinar los grupos a los que se aplican las disposiciones sobre pueblos indígenas. El derecho a la libre determinación se ejercerá en un marco constitucional de autonomía asegurando la unidad nacional. Podrán, en consecuencia, decidir su forma de gobierno interna y sus maneras de organizarse política, social, económica y culturalmente. El marco constitucional de autonomía permitirá alcanzar la efectividad de los derechos sociales, económicos, culturales y políticos con respeto a su identidad.

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2. *Ampliar participación y representación políticas.* El Estado debe impulsar cambios jurídicos y legislativos que amplíen la participación y representación políticas local y nacional de los pueblos indígenas, respetando sus diversas situaciones y tradiciones, y fortaleciendo un nuevo federalismo en la República mexicana. El reclamo de que las voces y demandas de los indígenas sean escuchadas y atendidas debe llevar al reconocimiento de derechos políticos, económicos, sociales y culturales de los pueblos indígenas, dentro del marco de la nación mexicana, y a una decisiva reforma del Estado en materia de prácticas institucionales. El Gobierno Federal promoverá las reformas constitucionales y legales que correspondan a los acuerdos y consensos alcanzados.

Principios de la nueva relación

1. Pluralismo. El trato entre los pueblos y culturas que forman la sociedad mexicana ha de basarse en el respeto a sus diferencias, bajo el supuesto de su igualdad fundamental. Como consecuencia, ha de ser política del Estado normar su propia acción y fomentar en la sociedad una orientación pluralista, que combata activamente toda forma de discriminación y corrija las desigualdades económicas y sociales. Igualmente, será necesario avanzar hacia la conformación de un orden jurídico nutrido por la pluriculturalidad, que refleje el diálogo intercultural, con normas comunes para todos los mexicanos y respeto a los sistemas normativos internos de los pueblos indígenas. El reconocimiento y promoción de la naturaleza pluricultural de la nación significa que, con el propósito de fortalecer la cultura de la diversidad y la tolerancia en un marco de unidad nacional, la acción del Estado y sus instituciones debe realizarse sin hacer distinciones entre indígenas y no indígenas o ante cualquier opción sociocultural colectiva. El desarrollo de la nación debe sustentarse en la pluralidad, entendida como convivencia pacífica, productiva, respetuosa y equitativa de lo diverso.

4. Participación. El Estado debe favorecer que la acción institucional impulse la participación de los pueblos y comunidades indígenas y respete sus formas de organización interna, para alcanzar el propósito de fortalecer su capacidad de ser los actores decisivos de su propio desarrollo. Debe promover, en colaboración con las expresiones organizativas de los pueblos indígenas, que estos vigoricen sus capacidades de decisión y gestión. Y debe asegurar la

adecuada corresponsabilidad del gobierno y los pueblos indígenas en la concepción, planeación, ejecución y evaluación de acciones que actúan sobre los indígenas. Puesto que las políticas en las áreas indígenas no sólo deben ser concebidas con los propios pueblos, sino implementadas con ellos, las actuales instituciones indigenistas y de desarrollo social que operan en ellas deben ser transformadas en otras que conciban y operen conjunta y concertadamente con el Estado los propios pueblos indígenas.

5. *Libre determinación.* El Estado respetará el ejercicio de la libre determinación de los pueblos indígenas, en cada uno de los ámbitos y niveles en que harán valer y practicarán su autonomía diferenciada, sin menoscabo de la soberanía nacional y dentro del nuevo marco normativo para los pueblos indígenas. Esto implica respetar sus identidades, culturas y formas de organización social. Respetará, asimismo, las capacidades de los pueblos y comunidades indígenas para determinar sus propios desarrollos. Y en tanto se respeten el interés nacional y público, los distintos niveles de gobierno e instituciones del Estado mexicano no intervendrán unilateralmente en los asuntos y decisiones de los pueblos y comunidades indígenas, en sus organizaciones y formas de representación, y en sus estrategias vigentes de aprovechamiento de los recursos naturales.

GUATEMALA

En un reciente libro de Demetrio Cojtí* se define el Movimiento Maya como "una tendencia concretada de mil y una maneras, por diferentes actores" (11) y "formado por el conjunto de personas y entidades que de manera espontánea o programada, buscan defender el derecho a la existencia, y al desarrollo de las nacionalidades del pueblo *maya*." (p. 46) Por un lado, esta definición confirma la pluralidad de los movimientos indígenas como suelen existir en América Latina. Pero por otro lado oculta un hecho importante en Guatemala en este momento: la falta de una instancia social representativa del pueblo maya, por lo que la definición incluye cualquier actividad o personas que hace referencia a lo indígena.

Esta situación se vuelve más evidente tomando en cuenta el hecho más importante dentro del último año: el fin de una confron-

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* Documento Iwgia N° 20

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tación violenta de varias décadas en la sociedad guatemalteca que ha tenido a la población indígena como la parte que más ha sufrido. En este sentido, el Movimiento Maya ha sido este conjunto de elementos a que hace referencia Cojtí, que ha aportado una apertura política de la sociedad, concretada en los Acuerdos de Paz y las perspectivas y potencialidades que se han abierto. Pero precisamente por este cambio de la situación nacional, los desafíos y elementos definitorios están cambiando actualmente. El Movimiento Maya, para aprovechar estas nuevas potencialidades, requiere de un cierto nivel de unidad basada en estructuras representativas; y esta requiere una reestructuración del aludido "conjunto de personas y entidades" con una orientación hacia las comunidades, lo que no ha sido posible durante los años de conflicto intensivo. La amplia brecha que existe entre las "personas y entidades" que han jugado el papel de aportar a la apertura política, y las comunidades, tiene que cerrarse, y el Movimiento tiene que basarse en la conformación de estructuras entre autoridades de las comunidades.

El 29 de diciembre de 1996 se firmó en Guatemala el Acuerdo de Paz Firme y Duradera con lo que se puso fin a cuatro décadas de guerra civil y abrió el camino para un proceso de consolidación de una democracia. El Acuerdo fue firmado entre el Gobierno y las organizaciones guerrilleras y abarca una serie de acuerdos parciales en los cuales organizaciones de la sociedad civil, entre ellas las indígenas, han tenido una voz.

A pesar de haber logrado un objetivo de gran importancia, haber conseguido una apertura política para el movimiento indígena dentro las negociaciones de paz que culminaron en 1996, el movimiento indígena y sus organizaciones todavía son bastante débiles en sus relaciones con el Estado. La falta de propuestas viables, y con un respaldo de una instancia representativa social, significa poca posibilidad de armar la agenda de discusiones. Las propuestas tienden, en el momento actual, a convertirse en una serie de asuntos puntuales faltos de un concepto, o una estrategia global. Así se puede afirmar que frente a una estrategia de negociación por parte del Gobierno, falta una estrategia por parte de las organizaciones indígenas. Con esta situación se dificultan las negociaciones reales entre el Gobierno y las organizaciones indígenas, y por lo tanto conlleva el peligro de reforzar tendencias "radicales" que no logran identificar y aprovechar las posibilidades de apertura.

La COPMAGUA fue creada en mayo 1994 como la Coordinación de Organizaciones del Pueblo Maya, encargada de convocar la participación de los pueblos indígenas, en la primera instancia para la elaboración de propuestas para las discusiones de paz, y luego para la implementación de los Acuerdos de Paz, especialmente el Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas (AIDPI), firmado en marzo de 1995.

Este poder de convocatoria ha sido crucial para convertir a COPMAGUA en la instancia social más amplia que hoy en día existe en el seno del pueblo maya. Formalmente, COPMAGUA consiste de cinco coordinadoras y cada una tiene un representante en el Consejo Coordinador; pero además tiene una serie de contactos con muchas organizaciones locales y personas en comunidades. Este pone a COPMAGUA en una posición central dentro de un movimiento caracterizado por un sinnúmero de organizaciones que en su mayoría carecen individualmente de respaldo social.

A raíz del Acuerdo Indígena (AIDPI), COPMAGUA está encargada de organizar la participación de los pueblos indígenas en las instancias acordadas. Los Acuerdos de Paz establecen una serie de comisiones entre organizaciones de la "sociedad civil" y el Gobierno para negociar reformas constitucionales, legales e institucionales, y AIDPI establece la conformación de comisiones paritarias, entre el Gobierno y los pueblos indígenas, sobre los temas de: reforma educativa; reforma y participación (participación a todos niveles); y derechos relativos a la tierra de los pueblos indígenas.

Asimismo establece comisiones especiales sobre: lugares sagrados (o de espiritualidad); y oficialización de idiomas indígenas.

También, el Acuerdo prevé la creación de una Defensoría de la Mujer Indígena, y establece que "todos los asuntos de interés directo para los pueblos indígenas demandan ser tratados por y con ellos", lo que está de acuerdo con el Convenio 169 de la OIT que al inicio de junio de 1997 ha entrado en vigencia, un año después de su ratificación por el Gobierno.

Asimismo, COPMAGUA en sus años de existencia ha celebrado una serie de talleres regionales, actividades de divulgación, Foros Departamentales y ha elaborado estudios. La formación de ocho Comisiones Nacionales Permanentes, CNPs, ha tenido especial importancia: Derechos de la mujer indígena; Reforma educativa; Espiritualidad; Derechos relativos a la tierra de los pueblos indígenas; Participación a todos niveles; Derecho indígena; Oficialización de los idiomas indígenas; y Reformas constitucionales.

Las CNPs constituyen instancias de discusión y de unificación de propuestas y criterios de los pueblos indígenas, en primera instancia dirigidas hacia la elaboración de propuestas en las comisiones con participación de los pueblos indígenas. Igualmente, de los integrantes de las CNPs provienen los representantes para formar estas comisiones en conjunto con los representantes del Gobierno. Pero de mayor importancia podría ser que las CNPs constituyen la instancia más amplia de discusión sobre posiciones para formar un movimiento indígena más amplio y unificado.

La única comisión paritaria formada por el Gobierno es la de reforma educativa, en conjunto con las dos especiales. Hasta mediados de 1997 no han habido señales de formar las comisiones de tierras y de participación a todos niveles, las que indudablemente son más conflictivas en la sociedad guatemalteca. Igualmente parece que el interés por parte del Gobierno de usar las Comisiones como una instancia para conseguir un consenso político más amplio por medio de presentar iniciativas legislativas de las mismas, no es muy grande.

Hasta ahora, las experiencias de COPMAGUA en las Comisiones no son muy iluminantes. Los representantes gubernamentales tienen acceso a un amplio apoyo técnico para su trabajo, mientras que los representantes indígenas carecen de este tipo de apoyo. Asimismo el Gobierno no ha aprobado el presupuesto para el funcionamiento de las Comisiones.

En los temas tratados por las CNPs se nota la ausencia de aspectos sobre desarrollo. Esto se debe al hecho que no están incluidos en la AIDPI, así como al hecho de que los recursos financieros están siendo dirigidos principalmente por medio de distintos tipos de ONG. Esta situación, por el momento, ha creado una división artificial entre las organizaciones sociales y ONGs y debilita la conformación de posiciones unificadas dentro el movimiento indígena.

En el transcurso de 1997 COPMAGUA ha tenido apoyo para formular una propuesta de un Plan Estratégico para los próximos años.

La definición de un manejo de recursos naturales en áreas indígenas es todavía incipiente. En los bosques comunales del municipio de Totonicapán se ha logrado mantener el grado de deforestación más bajo de Guatemala debido al control por parte de instancias comunitarias. Pero frente al incremento de la presión de

los recursos forestales en los últimos años, el Comité Ulew Che'a (de los Bosques Comunales de Totonicapán) ha aumentado sus actividades de protección e iniciado planes para establecer un área protegida. A pesar de haber obtenido una colaboración con muchas instancias el Comité, en el transcurso del último año, ha enfrentado intentos de proyectos con financiamiento internacional para establecer actividades en las comunidades, sobrepasando las autoridades comunales. El Comité logró plantear su situación a nivel internacional durante la reunión del Consejo Centroamericano de Bosques y Áreas Protegidas en abril de 1997.

La elaboración de una reforma educativa está prevista en el Acuerdo AIDPI para, entre otras cosas, ampliar y promover la educación bilingüe intercultural. Varios proyectos y experiencias pilotos han sido elaborados durante los últimos años por el Ministerio de Educación en colaboración con organizaciones locales y agencias de cooperación. Entre ellos, el Proyecto de Educación Maya Bilingüe Intercultural, en una primera fase ha trabajado para mejorar la calidad de la enseñanza en las escuelas rurales, a través de la preparación de maestros bilingües, y enfoca ahora mejorar la calidad de la educación primaria bilingüe en las escuelas normales. Según una decisión del Ministerio de Educación en 1997, la Universidad de Rafael Landívar coordina un equipo técnico de distintos proyectos que trabajan con educación bilingüe, y se han convertido varios institutos normales en Escuelas Normales Bilingües. En marzo de 1997 se anunció por parte del Ministerio de Educación el Programa Nacional de Educación Bilingüe Intercultural.

Han surgido varios conflictos entre organizaciones indígenas y sindicatos sobre el Decreto 484-96 -que deja la administración de varios centros educativos medios en manos de padres de familia- por la oposición de los sindicatos a estas reformas.

El creciente interés a nivel internacional por la situación de los pueblos indígenas ha llevado a un aumento de la asistencia a diferentes organizaciones indígenas en Guatemala. Sin embargo, la coordinación entre las instancias de asistencia internacional sobre este asunto no ha llegado muy lejos por lo que la asistencia se maneja de modo descoordinado y sin muchas consideraciones sobre el contenido. Varias agencias internacionales han llegado a construir sus propias instancias de organizaciones indígenas para poder canalizar su asistencia.

Una propuesta de Ley sobre los pueblos mayas, *garífuna* y *xinca* fue elaborada al inicio de 1997 por dos parlamentarios del partido

gobernante - sin consulta con las organizaciones mayas; según analistas podría frenar las propuestas contenidas en AIDPI, y no tiene muchas posibilidades de ser aprobada.

El Convenio 169 de la OIT fue aprobado por el Congreso en marzo 96, ratificado por el Gobierno en junio 96, y a partir de junio de 1997 ha entrado en vigencia.

HONDURAS

El movimiento indígena hondureño, que había venido ganando terreno lentamente en los últimos años, ha comenzado a enfrentar graves problemas al chocar sus reivindicaciones con los intereses económicos de distintos sectores de la sociedad nacional.

En 1994 el Estado de Honduras ratificó el Convenio 169 Sobre Pueblos Indígenas y Tribales de la Organización Internacional del Trabajo y ese mismo año los *lencas* iniciaron un importante proceso de lucha por los derechos indígenas al realizar la primera marcha de protesta a la capital. A esta marcha siguieron otras en las que se sumaron indígenas de las demás etnias del país y que se denominaron "peregrinaciones" por su carácter pacífico, cristiano y tradicional. Los indígenas llegaron a las puertas de los edificios de gobierno y declararon huelgas de hambre hasta que se iniciaron procesos de negociación y se firmaron acuerdos sobre diversos puntos que incluían resolución de problemas de tierras, de salud, de educación e infraestructuras. No obstante, las peregrinaciones se repitieron en 1995 y en 1996 por faltar el gobierno a sus promesas. En este proceso, sin embargo, el movimiento indígena fue consolidando sus organizaciones y haciendo más vehementemente sus demandas, las cuales recibieron un relativo apoyo de organizaciones no gubernamentales y del poder judicial del propio gobierno - que durante la actual gestión de los liberales ha asumido un papel preponderante dentro de la administración del Estado.

El Presidente del Partido Liberal Carlos Roberto Reina creó la Fiscalía de las Etnias con el propósito de que a través de ella se velara por el respeto de los derechos de los pueblos indígenas. No obstante, el carácter burocrático de esta Fiscalía ha limitado su papel a la declaración retórica de buenas intenciones.

Durante 1996 las reivindicaciones por tierras de los indígenas chocaron más fuertemente que antes con los intereses de los ladinos o mestizos. Los dirigentes *tawahkas* en la mosquitia hondureña

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Vista de la comunidad tawahka Krausirpi (Foto: Alejandro Parellada)

fueron amenazados de muerte después de que estos iniciaran gestiones, apoyados por la Fiscalía de las Etnias, para desalojar a colonos y terratenientes que habían invadido los límites de la Reserva Tawahka Asangni, uno de los bosques tropicales más importantes de Centroamérica en la mosquitia hondureña. Este conflicto reveló que los más directos enemigos del pueblo tawahka eran los intereses económicos y depredatorios de los ladinos o mestizos, que avanzan sin control en la zona. El conflicto reveló también la debilidad del estado en esa zona alejada y selvática donde no hay una presencia ni militar ni civil capaz de velar por la seguridad de los ciudadanos y menos aún de resguardar los recursos naturales.

Entre los *chorties*, que habitan en la frontera occidental de Honduras con Guatemala, el despertar de las reivindicaciones por tierras también apoyadas por la Fiscalía de las Etnias condujo al asesinato del líder indígena Cándido Amador Recinos el 17 de abril de 1997. Este asesinato fue salvaje y vejatorio. El líder indígena recibió múltiples machetazos y disparos y posteriormente le fueron cortadas su larga cabellera y su barba. Este brutal hecho de sangre pone de manifiesto claramente que más allá de la retórica gubernamental subsisten en el fondo los mismos e irreconciliables conflic-

tos que han enfrentado históricamente a los indígenas con la sociedad nacional.

El asesinato de este líder desencadenó en mayo de 1997 la última de las peregrinaciones a la capital, protagonizada esta vez por los chortíes que pidieron justicia y resolver el problema de tierras que persistía.

PANAMÁ

1996 ha sido un año más de movilizacion indígena, con presiones en la Asamblea Legislativa, las denuncias a nivel nacional e internacional, acciones violentas de enfrentamiento con la policía panameña, cierre de carreteras, y las denuncias dirigidas a las instituciones internacionales de defensa de derechos humanos. El apoyo y la popularidad de los movimientos indígenas estuvieron muy en alto y varios sectores de toda la poblacion panameña dieron su respaldo y solidaridad. Este año, debido a la frustración colectiva del pueblo panameño, la lucha indígena fue la bandera de lucha de todos. Eso lo podemos palpar en las encuestas públicas aparecidas en todos los diarios, televisoras y radio emisoras. Hace veinte años eso era insólito. Entre los hechos más sobresalientes en el último año podemos destacar:

1. A comienzos de enero de 1996 empezó a funcionar oficialmente la Comision de Asuntos Indígenas de la Asamblea Legislativa, para atender anteproyectos de leyes a favor de los mismos, integrada en su mayoría por diputados indígenas que tienen su escaño en el Parlamento.

2. Mediante la Ley No.24 de 12 de enero de 1996, se crea la Comarca Kuna de Madungadi, de los *kunas* que habitan en las selvas de la provincia de Panamá.

   Al parecer la Ley ha sido negociada y adoptada sin haberse agotado todas las consultas y discusiones en torno a los problemas o focos de invasion que actualmente siguen provocando conflictos, porque como veremos más adelante una de las acciones más violentas de los últimos tiempos ha sido casualmente en esa región.

3. El 13 de febrero de 1996, el Consejo de Gabinete aprobó el contrato entre la Cooperación Minera Cerro Colorado (CODEMIN) y la

Sociedad de Panacobre. S.A., para la explotación y exploración de yacimientos minerales en la Comarca Ngobe-Bugle. Cerro Colorado es considerado como uno de los depósitos de cobre más grandes del mundo, y es ahí el porque el gobierno trata de explotarlo aun sin la anuencia de los *ngobes*. El contrato incluye la concesión minera que posee la empresa estatal CODEMIN, con un plazo de veinticinco años. Tal como los ngobes sospechaban, las ganancias negociadas irán directamente a las empresas mineras y al Estado, mientras se siguen ignorado a los verdaderos dueños de esas tierras.

4. A comienzos del mes de agosto hubo un levantamiento de los kunas de Madungandi enfrentándose a las invasiones periódicas de los colonos no indígenas sobre sus tierras. Una vez más el problema de las invasiones en el sector de Wacuco era el punto de conflicto, hasta que la policía nacional intervino violentamente reprimiendo a los indígenas. Los indígenas huyeron en masa a las selva escapando de los gases lacrimógenos y balas de goma y sólo una vez avanzada la noche se atrevieron a salir. Sin embargo, los medios de difusión culparon a un "grupo de indios enardecidos" que se habían revelado ante la policía nacional, sin mencionar los apuros que estaban pasando los kunas de Ibedi y mostrando sólo imágenes de policías heridos.

   Hubieron detenciones de varios dirigentes indígenas, que fueron liberados pocos días despues debido a la presión de la opinión pública y solidaridad de varios sectores. Fue entonces que el gobierno nacional se sentó a negociar con los indígenas y buscar una solución a su situación que sin la protesta indígena hubiera sido difícil.

5. Otra de las acciones más destacadas fue la gran Marcha *ngobe-bugle*, exigiendo la inmediata aprobacion de la ley por la cual se crea su Comarca. El 13 de octubre un nutrido grupo de ngobes-bugles salieron de la provincia de Chiriqui y en 15 días caminaron 400 kilometros hasta la ciudad de Panamá, para que todo el país los escuchara: ¡Comarca o ñagare!, que significa tambien que si no hay Comarca, ellos tampoco permitirían la explotación minera. La marcha fue recibida de manera emotiva por centenares de gente solidaria y representantes de otros pueblos indígenas, al igual que los parlamentarios que ofrecieron la sala de cortesía para que dirigentes ngobes hablaran ante la sesión. Por

varios días estuvieron en una vigilia indefinida en la Basílica de Don Bosco, para posteriormente, cuando estaban decepcionados por la respuesta negativa del gobierno, un grupo se decidió ir a la huelga de hambre. (Debido a esas movilizacion la Asamblea Legislativa aprobó la Ley 10 de marzo de 1997, por la cual se crea la Comarca Ngobe-Bugle).

6. Los *emberás-waunan* por su parte, siguen negociando en las conferencias internacionales sobre medio ambiente, junto a la biodiversidad del Darién, para poder obtener dinero y pagar parte de la deuda externa de Panamá, mientras que en realidad algunas organizaciones ambientalistas con el favor de los gobiernos se están convirtiendo en verdugos y enemigos de los emberás. Partes de algunos parques nacionales están siendo entregados a las empresas transnacionales de la minería o maderera, y por el otro lado se imponen más prohibiciones a los indígenas que han salvarguardado esos recursos por siglos. Es el lugar indígena de Panamá donde más se están desarrollando proyectos millonarios para salvaguardar la biodiversidad, pero que en realidad muy poco están beneficiando a las comunidades del área.

7. Una de las muestras de desprecio hacia los indígenas es la implementación de la Ley General de Ambiente que después del veto presidencial no ha vuelto a empezar a discutirse de nuevo en la Asamblea Legislativa. Todo comenzó cuando los hacedores del anteproyecto le hicieron ver a la contraparte panameña que había que hacer un capítulo dedicado a los indígenas, porque en la mayoría de los países de América Latina donde se está adoptando esa Ley lo estaban manteniendo. Antes del veto, el anteproyecto de 1995 traía una Sección V "De las comunidades indígenas", con nueve artículos (Arts.102-110), siguiendo en su mayoría los lineamientos del Convenio 169 de la Organización Internacional de Trabajo (OIT). El último anteproyecto presentado el 18 de septiembre de 1996 ante la Asamblea Legislativa, elimina totalmente el capítulo dedicado a las Comunidades Indígenas, manteniendo únicamente dos artículos (Arts.95 y 96) dentro del Título VII "De los recursos naturales", dándole fueros y privilegios a la empresa privada. Es decir que hemos sido engañados nuevamente, tanto por los negociadores como por el gobierno nacional.

8. Otra de las exigencias más notorias de los indígenas en los últimos años ha sido que se ratifique el Convenio 169 de la OIT que es considerado en la actualidad, como una de las normas internacionales más importantes para la defensa de los derechos de los pueblos indígenas. Panamá para ganar los aplausos de otros países lo aprobó en Ginebra en 1989, pero cuando los delegados istmeños llegaron, simplemente lo archivaron y, tanto como el gobierno anterior de Guillermo Endara y del actual Ernesto Pérez Balladares se han expresado en los mismos términos y con el mismo desprecio hacia el Convenio y por ende hacia los pueblos indígenas. El gobierno de Endara mediante la Carta de Jorge Rubén Rosas dirigida al Dr. Julio Linares (q.e.p.d) el 3 de febrero de 1993, se negó rotundamente a que se ratificara y hasta consideraron que se peligraba la soberanía nacional si la Asamblea lo adoptaba. Siguiendo la teoría de Jorge Rubén Rosas, el actual gobierno opinó lo mismo mediante nota dirigida a la primera dama Dora Boyd de Pérez Balladares por el ministro Mitchell Doens el 2 de mayo de 1995.

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1. Yucpa
2. Yanomami
3. Embera-Katio
4. Huaroni
5. Shuar
6. Aguaruna
7. Candoshi
8. Asháninka
9. Guaraní
10. Macuxi
11. Parakana
12. Urubu-Kaapor
13. Enxet
14. Totobiegosode
15. Wichi
16. Toba
17. Kolla
18. Mapuche
19. Kar'iña
Lokono
Tereno

AMÉRICA DEL SUR

VENEZUELA

En el año 1996 la situación de los 25 pueblos indígenas de Venezuela fue bastante contradictoria. Los indígenas venezolanos viven en un país que se caracteriza, por el momento, por el grave deterioro de los derechos sociales, económicos y culturales, y por la persistencia de las violaciones endémicas a los derechos civiles y políticos. La situación de los indígenas se agudiza por la amenaza que constituye la inclinación del estado a implementar nuevos proyectos de orientación desarrollista en las zonas habitadas por grupos indígenas, los cuales niegan a los indígenas el reconocimiento de buena parte de sus espacios vitales tradicionales y la facilitación de algún nivel de participación política. Por otra parte, 1996 trajo algunos éxitos para los indígenas en sus esfuerzos por defender la tierra a nivel judicial en unos casos aislados.

El panorama general de la política indigenista de Venezuela se ha destacado desde siempre por su incoherencia. Esta situación permaneció igual durante la época 1996/97. En 1995 una de las dos Cámaras Parlamentarias (la del senado) aprobó un proyecto de Ley relativamente extenso, llamado oficialmente Ley de Comunidades, Pueblos y Culturas Indígenas. Sin embargo, durante 1996 el proceso legislativo en la Cámara de Diputados quedó paralizado. Sobre el proyecto se manifiesta la organización nacional indígena CONIVE en un informe para el Comité para la Eliminación de Todas las Formas de Discriminación Racial de la ONU, en agosto de 1996. De la siguiente forma: "sin embargo, los indígenas fueron discriminados en la formulación de este proyecto de ley, ya que no se tomó en cuenta su participación para su elaboración y tampoco se tomaron en cuenta sus planteamientos por lo cual dicha ley no garantiza y reconoce los derechos fundamentales para los indígenas, sino por lo contrario está basada en la normativa legal vigente, la cual se caracteriza por su ambigüedad y contradicción en cuanto al reconocimiento y aplicación de los derechos indígenas. El proceso de discusión de esta ley se encuentra actualmente paralizado, de

manera que no puede recibir ni correcciones ni nuevos aportes, ni mucho menos puede ser aprobado mientras se mantenga el criterio de "falta de prioridad".

El desarrollo jurídico-normativo más importante que afecta directamente a extensos territorios de las poblaciones indígenas venezolanas por los menos, tiene que ver con un proyecto apoyado por el Banco Mundial que pretende fortalecer el manejo de los Parques Nacionales del país. Por lo menos el 13% de la población venezolana vive en Parques Nacionales, y serán afectados por tal proyecto. La mayoría de los Parques venezolanos carecen todavía de Planes de Ordenamiento y Reglamento de Uso, pero por el momento las autoridades estatales están elaborando tales normas.

Sin embargo, la función de la nueva normatividad a implementarse para orientar el futuro manejo de estos vastos territorios no es la protección de las sociedades indígenas, sino el fortalecimiento y la expansión de las estructuras estatales en territorios todavía marginales desde la perspectiva estatal.

En el año 1995 se decretó el Reglamento de Uso para el Parque Nacional Sierra de Perijá, el hábitat tradicional de los grupos indígenas *yukpas* y *zarí*. A pesar de que justamente este Parque Nacional no está incluido en el Proyecto del Banco Mundial, sus Reglamentos a decretarse dentro de poco regirá para los otros Parques del país. No se prevén formas concretas midiante las cuales las poblaciones indígenas puedan controlar los futuros desarrollos y sucesos dentro de sus mismos territorios ancestrales, léase Parques Nacionales. Las llamadas así actividades "necesarias para el sustento físico y la supervivencia de las culturas indígenas podrán realizarse en el futuro única y exclusivamente bajo la supervisión y asesoría de la autoridad venezolana para los Parques Nacionales, INPARQUES."

Venezuela quiere estimular con su desarrollo del sistema de los Parques Nacionales el turismo, declarado muchas veces como ecoturismo. Pero las actividades turísticas estarán bajo el control único de INPARQUES, y la misma institución, se supone, va a entregar las necesarias concesiones para los operadores turísticos privados en los Parques Nacionales.

En este contexto, es importante mencionar que en varias regiones del país hubo graves conflictos entre grupos indígenas y proyectos de desarrollo turístico. Por ejemplo, en el sudeste del país cuarenta comunidades de la etnia indígena *pemón* se opusieron a la

instalación de un complejo turístico en la Sierra de Lema, dentro del Parque Nacional Canaima. Este proyecto fue puesto en marcha por una empresa privada, apoyada por INPARQUES, pero parece por el momento paralizado debido a la resistencia indígena.

En otro caso la Organización Indígena Piaroa Uhuöttuja del Sipapo (OIPUS) manifestó su oposición a las actividades turísticas en sus territorios ancestrales. Los *piaroas* lograron una victoria judicial con la decisión del Juzgado de Primera Instancia del Estado Amazonas, que prohibió en junio 1996 a cualquier ciudadano nacional o extranjero el realizar excursiones a las áreas de cultos sagrados y a los antiguos cementerios de los piaroa, sin las previa autorización del consejo de ancianos tradicional, constituido dentro del derecho consuetudinario indígena. Esta decisión es un importante paso en el derecho venezolano, pues efectúa un reconocimiento del derecho consuetudinario indígena.

Las amenazas más grandes para la integridad cultural y la supervivencia física de los indígenas del país son las aspiraciones y actividades mineras y petroleras en prácticamente todas las regiones indígenas. Hay inversiones de grandes empresas transnacionales, entre ellas el consorcio norteamericano MAICCA, que aspira nuevamente explotar el carbón en la Sierra de Perijá (noroeste del país), amenazando por una parte a los indígenas yukpa y *barí*, y por otra parte a las regiones selváticas del estado Zulia y al sistema hidrológico del Lago de Maracaibo. Según informes de la organización de derechos humanos PROVEA, el ex-embajador de Estados Unidos, Jeffrey Davidow, está presionando al Ministerio de Energías y Minas para que se agilicen los trámites de permisología necesarios para iniciar la explotación del carbón de Perijá.

En la misma región del país hubo un fuerte enfrentamiento entre comunidades de la etnia barí y varias empresas petroleras. El 4 de noviembre el líder tradicional del pueblo barí, Bokshí, dio una conferencia de prensa en Caracas, y denunció a la empresa petrolera en la región de su pueblo, conjuntamente con otros consorcios petroleros nacionales e internacionales. Al mismo tiempo, varios políticos venezolanos, entre ellos el mismo Ministro de Relaciones Interiores, habían iniciado una campaña desacreditante contra los indígenas barí, acusándoles de sostener vínculos guerrilleros.

En el estado Bolívar (sudeste del país), aparte de los conflictos con las actividades mineras de las grandes empresas, la situación se agudiza por la presencia de innumerables sujetos privados, quienes

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extraen oro en los territorios ancestrales indígenas. Esto conduce a graves problemas sociales y ecológicos. Por la aparición de pozos de agua, producto de la extracción de oro, esta región se ha convertido en una zona endémica de malaria. El uso de mercurio ha contaminado muchos ríos, que habían sido los proveedores de agua potable y de peces. Frente a esta problemática, las autoridades estatales se han mostrado o bien complacientes o bien indiferentes, y ni han contribuido a asegurar los derechos indígenas a la tierra, ni han interrumpido tales actividades, en su mayor parte ilegales. Como una reacción a esta situación, grupos indígenas del este, entre ellos las comunidades pemón al lado de la carretera que llega a la Gran Sabana han autodemarcado durante el año 1996 sus territorios comunales. En este proceso de autodemarcación no incluyeron los terrenos ya ocupados y poblados por los mineros, debido al hecho de que la reivindicación de tales terrenos parecía sin porvenir.

Extremadamente preocupante para la población indígena es un conjunto de megaproyectos, todavía en su fase de planificación, llamados PRODESSUR ("Proyecto de Desarrollo Sustentable"). El actual gobierno de Rafael Caldera planifica implementar con este programa una total modificación socio-política, demográfica y económica de los estados Bolívar, Amazonas, Apure y Delta Amacuro, donde se ubican al mismo tiempo las regiones indígenas más extensas del país. Como objetivos generales, PRODESSUR pretende integrar estas zonas al resto del territorio nacional, quiere consolidar la integración y defensa de las zonas fronterizas y desarrollar allí la pequeña y mediana industria. A pesar de que las presentaciones oficiales de PRODESSUR usan un lenguaje muy moderado, los grupos indígenas y los círculos ambientalistas de Venezuela temen que en el caso de realizarse PRODESSUR, van a desconocerse los derechos indígenas y se superpondrán sobre sus espacios vitales nuevos asentamientos civiles y militares, nuevas vías de tránsito y nuevas zonas de industrialización y de colonización agraria. A los pueblos indígenas no se les concedió oportunidad de participar en la elaboración de PRODESSUR. La peligrosa dirección hacia la cual se mueve la política en general se puso de manifiesto cuando en septiembre de 1996 se hizo conocida la intención del gobierno de derogar el Decreto 269, del año 1989, en el cual se prohíbe la actividad minera en el Estado Amazonas. Con esto se derrumbaría una de las últimas barreras legales contra la colonización de esta parte de Venezuela, en el viejo estilo desarrollista.

La decisión mas importante que alguna vez fue dictada por la Corte Suprema de Venezuela en un asunto indigenista que también afecta al Estado Amazonas. La historia previa del caso es la siguiente: 19 pueblos indígenas representan aproximadamente el 50% de la población total del estado Amazonas, y habitan cerca de 95% de su extensión territorial. En el año 1994, el estado Amazonas dictó la Ley de División Política Territorial del Estado Amazonas. Esta Ley dividió al territorio en siete municipios, superponiéndose éstos sobre distintos territorios indígenas.

Varias organizaciones indígenas impugnaron esta Ley frente a la Corte Suprema de Venezuela, alegando su nulidad. En su recurso alegaron la violación de sus derechos garantizados por la Constitución de Venezuela.

El 5 de diciembre de 1996, la corte dictó que el establecimiento de los municipios por la Ley había sido inconstitucional y por lo tanto nulo. La decisión de la Corte apoyó, sobre todo en la violación del derecho a la participación política y en la violación del el artículo 77 de la Constitución de Venezuela, el cual dice, que "la ley establecerá el régimen de excepción que requiera la protección de las comunidades indígenas". La Corte implementó esta norma en favor de los indígenas, dando a entender que los indígenas tienen el derecho al mantenimiento de sus propias formas de organización política, dentro del estado venezolano. La decisión concede a los indígenas la tarea de elaborar una propuesta legal alternativa que sea más consecuente con sus intereses y valores culturales.

Por el momento, en el estado Amazonas el clima político está impregnado por fuertes ataques por parte de los sectores económicos y políticos locales contra esta decisión. Sin embargo, las implicaciones jurídicas de esta decisión tienen una relevancia que rebasa las fronteras de Venezuela, y sientan un precedente en el propio país.

A pesar de los logros jurídicos para los indígenas del estado Amazonas, la situación de hecho de los *yanomami*, la etnia más grande que habita en este estado, sigue siendo crítica: según Supervivencia Internacional, existen alrededor de 4.000 garimpeiros en la zona yanomami venezolana. El gobierno ha mostrado su preocupación al respecto pues considera la presencia garimpeira como un asunto de violación a la soberanía venezolana y no tanto por la amenaza para los indígenas. A tal respecto implementó en agosto de 1996 la "Operación Siaapaa 96", bombardeando en ésta los

campamentos garimpeiros ilegales por las Fuerzas Aéreas. Sin embargo, no se han previsto medidas para proteger al pueblo yanomami, no sólo frente a la violencia física sino también frente a las múltiples enfermedades que durante 1996 agudizaron el cuadro crítico de esta etnia.

COLOMBIA

Al suroccidente de Colombia perviven 18 *resguardos* indígenas descendientes de los antiguos Pastos. Resguardos, hoy fuertemente azotados por un clima de violencia que ha cobrado vidas de dirigentes y comuneros y que cada día se agrava más. Ultimamente han sido asesinados por sicarios tres gobernadores y una veintena de comuneros. La violencia se suscita primero por la iniciativa de latifundista quienes para contrarrestar las recuperaciones de tierras del movimiento indígena contratan sicaros y organizan cooperativas de autodefensa. También por la presencia de organizaciones guerrilleras quienes bajo el supuesto de controlar el cuatrerismo y el sicariato asesinan comuneros e imponen su ley. Esta confrontación se complica con la conversión del Frente Guerrillero "Aldemar Londoño" del Ejército Popular de Liberación en Cooperativa de Autodefensa. Y el Estado en lugar de afrontar las condiciones claves de violencia como es el conflicto por derechos territoriales, y de aplicar los mandatos constitucionales y legales, el primero en violarlas, a través del Instituto Colombiano de la Reforma Agraria (INCORA), que se niega a aplicar la Ley 160 de la Reforma Social Agraria y el Decreto 2465, de las autoridades civiles y administrativas locales y regionales quienes ligadas a intereses económico-políticos actúan abiertamente en contra al negar la jurisdicción indígena, al aceptar y armar toda clase de juicios y procesos en contra de los derechos constitucionales indígenas, igualmente el ejército y la policía, quienes matan a plena luz del día como lo hicieron con una indígena hace 15 días.

SURINAM

Existen unos 20.000 o 22.000 indígenas en Surinam, mientras que una cantidad adicional de 2-3.000 viven en la vecina Guayana Francesa desde la guerra civil de fines de los años 80. Los tres

pueblos indígenas más numerosos de Surinam son los *kari'ña (caribes), lokono (arowakos)* y *tareno (trio)*.Otros pueblos con algunas aldeas principalmente en el sur de Surinam donde cruzan las fronteras con el Brasil, Guyana y la Guayana Francesa, son los *wayana, akurio, wai-wai, okomojana, sikijana, katujana, mawajana, alamajana* y *sakykta*.

Los kari'ña y lokono viven en la parte norte de Surinam ("amerindios de las tierras bajas") y tienen un contacto más o menos regular con las mayores ciudades de Surinam, que son Paramaribo, la capital, Albina en el este y Nickerie en el oeste. Los trio, wayana, akurio, wai-wai y otros pueblos del sur ("amerindios de las tierras altas") mantienen contacto principalmente a través de esporádicas visitas por aeroplano hacia o de la capital y a través de los servicios misioneros y de salud. Sin embargo, casi todas las comunidades indígenas viven en forma bastante tradicional de la agricultura, la caza y la pesca y de acuerdo a sus propias estructuras gubernamentales, con un jefe y un "consejo" de la aldea. En años recientes, muchas aldeas han establecido organizaciones de desarrollo aldeano. Casas, botes y otros instrumentos son hechos principalmente de productos forestales. Las aldeas generalmente no disponen de agua corriente, ni electricidad, mientras que la educación gubernamental y los servicios de salud son mínimos. La infraestructura de/hacia las aldeas es pobre, debido al relativo aislamiento y la negligencia de los gobiernos coloniales y poscoloniales. Por otro lado, gracias a este aislamiento, las lenguas indígenas y otros patrimonios culturales han resistido muy bien a las influencias occidentales.

Los pueblos *maroon* están viviendo casi bajo las mismas condiciones, también tradicionalmente, de acuerdo a su historia tribal africana. Los maroon ("negros del monte") son pueblos tribales o semi-indígenas, descendientes de los antiguos esclavos que escaparon de la esclavitud en el siglo XVIII y XIX y establecieron comunidades en el interior de las selvas de Surinam de acuerdo a sus tradiciones africanas. Los principales grupos maroon son los *saramakaner, aucaner, paramacaner* y *kwinti*.

Surinam se encuentra entre los pocos países del hemisferio occidental que no han reconocido a los pueblos indígenas como tales en la constitución, ni ha ratificado el Convenio 107 o 169 de la OIT. Aparte de unas pocas leyes que refieren a "los intereses de las aldeas del interior" cuando hay actividades mineras o madereras en esas áreas, no existe reconocimiento de los derechos de los pueblos

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indígenas y tribales en Surinam. Debido al aislamiento geográfico y lingüístico de Surinam, los procesos y los temas relativos a los pueblos indígenas, el medio ambiente, la biodiversidad y los derechos de propiedad intelectual son relativamente desconocidos para el público en general. Surinam ratificó el Convenio sobre la Diversidad Biológica en 1995, pero todavía no se ha hecho mucho al respecto a escala nacional.

En Surinam, los pueblos indígenas forman una pequeña minoría comparada con otros muchos grupos étnicos de Surinam. La población total de sólo 400.000 personas consiste de una diversa gama de divisiones étnicas y religiosas, incluyendo a asiáticos orientales (antiguos inmigrantes de la India; 37%), criollos (negros mezclados; 30%), "javaneses" (antiguos inmigrantes de Indonesia; 17%), maroon (10%), amerindios (4%), chinos, europeos y libaneses. La lengua oficial de Surinam, una antigua colonia holandesa hasta 1975, es el holandés. Recién en los últimos diez años, especialmente durante y después del régimen militar de los años 80, cuando se suspendió la ayuda holandesa para el desarrollo, se establecieron más contactos con América Latina (es decir, la OEA y el Tratado del Pacto Amazónico) y el Caribe (Asociación de Estados Caribeños, CARICOM).

Las principales organizaciones indígenas de Surinam son la OIS (Organisatie van Inheemsen in Suriname = Organización de Pueblos Indígenas de Surinam), la VIDS (Vereniging van Inheemse Dorpshoofden in Suriname = Asociación de Líderes Indígenas Aldeanos de Surinam). VIDS es el organismo representativo de las comunidades amerindias frente al gobierno. La OIS está más centrada en la presión política, influyendo a la opinión pública, la educación y el apoyo de proyectos de desarrollo en las aldeas. Además, hay unas cuantas organizaciones nacionales indígenas que trabajan específicamente con las mujeres y la juventud, tal como Sanomaro Esa, o en la educación y la cultura, mientras que la mayoría de las aldeas tienen también pequeñas ONG desarrollistas que implementan pequeños proyectos económicos financiados principalmente a través del Departamento de Micro-Proyectos con la ayuda de la Unión Europea y Holanda.

OIS es miembro de COICA y el presidente de OIS recientemente, durante el último Congreso de la COICA en Georgetown, Guyana, 13-17 de mayo de 1997, fue electo como coordinador de la nueva área dentro de COICA para la Educación, la Cultura y la

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Ciencia. OIS trabaja junto con VIDAS en una serie de temas, mientras que también forma parte de la "Plataforma de la Selva Amazónica de Surinam", una coordinación de organizaciones indígenas, una destacada organización de derechos humanos (Moiwana '86) y la más activa organización ambiental de Surinam SvSS (Stichting voor een Schoon Suriname).

En 1996 la amenaza a las comunidades indígenas y maroon han empeorado, después de un breve pero importante éxito en agosto de 1995 cuando los líderes del interior se enfrentaron al gobierno durante un "Gran Krutu" (gran reunión) para condenar las intenciones de otorgar concesiones madereras y mineras a las multinacionales. La unidad que respaldaba esta condena, junto con la atención internacional al posible otorgamiento de concesiones de un millón de hectáreas a compañías madereras asiáticas de dudosa reputación, llevaron al parlamento a retirar el permiso inicial para estas concesiones. Sin embargo, la entrega de pequeñas concesiones madereras de hasta 150.000 has. a estas multinacionales, específicamente Berjaya (Malasia) y MUSA (Indonesia) o sus subsidiarias bajo otros nombres, ha continuado progresivamente. El control de la explotación maderera en el interior es casi imposible debido a las débiles instituciones gubernamentales y la burocracia y existe mucha explotación maderera ilegal, incluyendo la de maderas tropicales protegidas.

Lo mismo sucede con las actividades mineras en el interior. Existe un nueva "fiebre del oro" en Surinam, principalmente por parte de las multinacionales canadienses como la Golden Star Resources y Cambior, y por los "garimpeiros" brasileños. Surinam está ubicada geográficamente en el "escudo de las Guayanas" que ha sido recientemente identificado como un escudo rico en minerales. Actualmente es particularmente preocupante la casi destrucción de una comunidad indígena en el sur de Surinam, Kawemhakan, debido a la afluencia de mineros y garimpeiros y la introducción de drogas, alcohol y malaria. Una aldea maroon en el centro-oeste de Surinam, Nieuw Koffiekamp, está por ser reasentada ya que no existe título legal sobre las tierras comunitarias donde la Golden Star Resources está realizando actividades mineras. Golden Star es la misma compañía que causó un enorme derrame de cianuro en el río Essequibo en Guyana.

En 1996 se celebrarán elecciones para un nuevo parlamento y presidente en Surinam. El nuevo gobierno es una coalición de una

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serie de muy diversos partidos, incluyendo al partido revolucionario NDP del ex líder militar Bouterse. Aunque se han expresado una serie de intenciones de descentralizar el gobierno y otorgar más injerencia a las comunidades en la política, no hay mucha mejora en vista para la participación política de los pueblos indígenas y maroon en el gobierno. Por el contrario, el actual gobierno expresó también su política de usar los recursos naturales del interior del país más intensivamente, mientras que muchos de los líderes políticos tienen también una gran parte de las compañías madereras y mineras, así como también del comercio y las compañías exportadoras. Dos personas indígenas han sido electas en el parlamento de 51 escaños, pero fueron elegidas como miembros de su partido y no tienen demasiado espacio para hablar en nombre de los pueblos indígenas.

En 1996 fue nombrada una comisión para evaluar las políticas de tierra en el interior, pero la base de esta comisión es el Acuerdo de Paz de 1992 (firmado con los líderes de la guerrilla del interior para finalizar la guerra civil), el cual se refiere a los derechos individuales en vez de los derechos colectivos de los territorios indígenas y maroon. El gobierno está por comenzar actividades relacionadas con los parques naturales y las áreas protegidas, otra vez sin la plena participación de las comunidades involucradas. En el este de Surinam, un conflicto de larga data con la aldea Galibi con respecto a un área protegida en tierras indígenas es todavía un tema que quema.

Otras tendencias que se intensifican son la búsqueda de plantas medicinales, por la compañía farmacéutica Besnier-Meyer-Squib en colaboración con Conservación Internacional, que no reconoce los derechos sobre el conocimiento tradicional de los pueblos indígenas y maroon, y la intención de los sucesivos gobiernos de estimular el eco-turismo en el interior, principalmente por compañías u organizaciones de propiedad del gobierno o de personas de la capital.

En conclusión, la situación de los pueblos indígenas de Surinam es seria y necesita ser mejorada. La capacitación y la participación política son prioridades para que los pueblos indígenas tomen sus propias iniciativas y para responder a las intenciones gubernamentales y multinacionales de invadir y explotar sus tierras.

ECUADOR

1996 fue un año de grandes conflictos internos. En el movimiento político indígena que participaría en las elecciones nacionales, convergieron dos sectores: por una parte el amazónico, agrupado en el Movimiento Pachakutik y liderado por el anterior presidente de la COICA, Valerio Grefa, y por otra el serrano, encabezado por los dirigentes de CONAIE que, en alianza con otros sectores sindicales y sociales conformaron el Movimiento Unidad Plurinacional. La convergencia con sectores de intelectuales y clase media que propugnaban la candidatura a la presidencia del periodista Freddy Ehlers, dio nacimiento al Movimiento Unidad Plurinacional Pachakutik Nuevo País (MNP). Tan extenso nombre sólo puede explicarse por la falta de un programa político claramente definido, por los desacuerdos políticos existentes en su interior, y aún por los diversos intereses de cada sector social que lo integraba.

A pesar de que las encuestas ubicaban en el primer o segundo lugar al MNP, a sólo dos meses de las elecciones, las diferencias internas fueron profundizándose. Las mayores críticas provenían de los amazónicos hacia Ehlers por su individualismo en la toma de decisiones y en su discurso, y hacia la dirigencia de la CONAIE por no mantener la independencia política de la organización, respecto a Ehlers.

El resultado de la primera vuelta demostró que dos candidatos de derecha se aprovecharon de la tradicional centroizquierda política: Jaime Nebot (socialcristiano) y Abdalá Bucaram (populista) pasaron a la segunda vuelta.

El MNP quedó tercero con una gran elección en la sierra y la amazonía y una pobre performance en la costa donde viven muy pocos indígenas. El voto en las comunidades fue masivo pero no alcanzó para el triunfo presidencial. Sin embargo, se eligieron cuatro diputados indígenas, dos de la sierra y dos de la amazonía, de los 77 que conforman el Parlamento Nacional y a nivel de las comunidades de base, centenares de alcaldes y concejales municipales. Es la primera vez en la historia que los indígenas alcanzan estos cargos con un movimiento político propio.

La discusión de la posición que adoptaría el movimiento indígena frente a la segunda vuelta electoral ahondó las divisiones. Los amazónicos resolvieron dar un apoyo crítico a Abdala Bucaram para evitar el triunfo de los socialcristianos a quienes se identifican

como los autores de muertes y destrucción de sedes indígenas durante el levantamiento de 1994. La CONAIE, por su parte, llama a un "voto a conciencia" sin tomar partido por ninguno de los dos candidatos. Su vicepresidente, Rafael Pandam, también firma un acuerdo con Bucaram Se cruzan fuertes acusaciones entre ambos sectores y los dos diputados amazónicos se separan del bloque del MNP.

Luego de su holgado triunfo, Bucaram crea el Ministerio de Asuntos Étnicos, nombrando a Pandam como ministro. La CONAIE se opone radicalmente a la creación de este organismo y amenaza con un levantamiento.

En diciembre se llega al Congreso de la CONAIE para elegir nuevas autoridades y el gobierno de Bucaram, a través del ministro Pandam, intenta influenciar en sus decisiones por lo que el Congreso se divide: los delegados amazónicos son acusados de trabajar para el gobierno y estos acusan a los serranos de no querer dejar sus puestos de dirigentes de CONAIE violando la tradicional alternabilidad sierra-amazonia cada cuatro años. Los representantes de la sierra abandonan la reunión y Antonio Vargas, presidente de OPIP, es electo presidente de CONAIE. Días después, Vargas acuerda con los dirigentes de la sierra, el llamado a un nuevo congreso de unidad al que no asistirán los delegados de la amazonía, eligiéndose un nuevo consejo directivo encabezado por el mismo Vargas. Los amazónicos desconocen esta resolución y un grupo de ellos toma la sede de CONAIE para retirarse más tarde.

Tras la caída de Bucaram, en febrero de 1997, tras una gigantesca movilización popular con fuerte protagonismo indígena, son destituidos 16 diputados acusados de corrupción. Dos de ellos son los amazónicos José Aviles y Héctor Villamil. Los diputados de la sierra votan por la destitución.

Con el desbarranco del gobierno parece aclararse un poco el panorama y que las aguas vuelvan a aquietarse en el movimiento indígena. Hay un creciente clamor en las bases de todas las regiones para reestablecer la unidad: hay acuerdo general en puntos esenciales que van desde la declaratoria del Ecuador como Estado Plurinacional, hasta la necesidad de avanzar en proyectos de desarrollo autónomo sustentable.

La división probablemente refleje las diferencias entre la posición política principista de los dirigentes serranos y la posición más pragmática de los amazónicos de participar en las estructuras del Estado, para

así "llevarlo" a ese inmenso sector postergado que es la región de la amazonía donde el "Estado" son las compañías petroleras.

Por su parte la Coordinadora Indígena de la Cuenca Amazónica (COICA) se ha ofrecido como mediadora en este difícil proceso y se preparan reuniones bilaterales en los próximos meses.

PERÚ

El año 1996 ha estado marcado por una profundización de la problemática originada por la penetración de las empresas petroleras transnacionales en los territorios indígenas. Son ya más de 20 las federaciones en conflicto. Las facilidades otorgadas por el gobierno a las empresas se suceden, implementándose medidas de estabilidad jurídica y tributaria, facilidades y excepciones aduaneras, desregulación del mercado de consumo, facultades para que el contratista pase a ser el dueño de los hidrocarburos extraídos, libre disponibilidad de divisas, consolidación de contratos para fines tributarios, posibilidad de recurrir al arbitraje internacional ante los conflictos contractuales, derogación de la normativa de protección laboral, incremento de la superficie de concesiones, facilidades para la instalación de la infraestructura de transporte y distribución, medidas favorables a las empresas en el régimen bancario de seguros, etc.

Como resultado de estos incentivos y privilegios otorgados a las empresas, el Perú ocupa ahora el quinto lugar en el mundo como país de interés petrolero para los inversionistas. Según fuentes de Perupetro, con los contratos vigentes se tiene comprometidos desde 1996 hasta el 2000 la perforación de 15 pozos por año.

Hasta la fecha, los compromisos de inversión petrolera en el Perú ascienden a más de tres mil seiscientos millones de dólares. El proceso intensivo de concesiones iniciado en la presente década, continúa, habiéndose otorgado 11 lotes petroleros en la amazonía norte, 10 en la amazonía central y 5 en la amazonía sur, que totalizan más de 20 millones de hectáreas (frente a los cuatro y medio millones de hectáreas reconocidas a los 64 pueblos indígenas en toda la historia republicana).

En esta promoción sin barreras, los pueblos indígenas se han visto inmersos, de forma sorpresiva, en una nueva y grave problemática, incluyendo aquellos pueblos sin contactos previos o los pueblos en recomposición tras el período de violencia.

Pese a que, en un principio algunas organizaciones se resignaron a negociar condiciones mínimas, el incumplimiento de los acuerdos y las alteraciones de la paz social que acompaña a las incursiones petroleras han ido acelerando un proceso de reflexión y análisis que ha tenido como resultado una firme reacción frente a los atropellos. Las empresas se han encontrado con una respuesta organizativa inesperada de parte del movimiento indígena, una dificultad que había sido minimizada por los promotores estatales.

Las denuncias por CORPI del derrame petrolero, por Petro-Perú, en el Río Rojo, la fuerte posición de la FENAMAD en defensa de los pueblos no contactados de Madre de Dios, la negativa de los *achuares* de ATI y ORACH frente a la entrada no consultada de la empresa ARCO, las denuncias de los *quechuas* de Lago Anatico (FEDIQUEP) y de las comunidades del Río Tigre y Corrientes (FECONACO y FECONAT) por la contaminación de sus ríos y lagunas como resultado de los trabajos de OXY, son algunos de los hitos que están marcando la nueva etapa del movimiento indígena en el Perú.

Pero si las medidas promocionales fueron muy considerables, la protección de la actividad petrolera ante las iniciativas indígenas no se ha hecho esperar. Las empresas han obtenido normas favorables para salir airosas de cada nuevo problema. Un dispositivo anuncia la obligatoriedad de llegar a un acuerdo con la empresa en 30 días o, en caso contrario, resignarse a aceptar una servidumbre obligatoria con amenaza de expropiación. Otro condiciona las posibilidades de denuncia de los delitos ecológicos al dictamen previo de las autoridades del sector. Un tercero trata de confundir el compromiso de consulta previa -un procedimiento señalado en el Convenio 169, vigente en el Perú- con la presentación, en Lima, de los tecnicismos de los Estudios de Impacto Ambiental.

Sin embargo, la necesidad de defender los territorios, los recursos, el conocimiento autóctono, el idioma, la educación, la salud y la sobrevivencia en un contexto tan adverso, ha generado un notable repunte del movimiento indígena amazónico a lo largo de todo el año. AIDESEP, la organización matriz del movimiento indígena amazónico del Perú, así como sus redes regionales y sus Federaciones locales, vienen presentando y defendiendo plataformas reivindicativas y programas de acción en cada una de las áreas conflictivas. Prueba de ello es que, pese a las dificultades, los procesos de reconocimiento de tierras indígenas, coordinados por las propias

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organizaciones -como los de Paranapura y Ucayali-, siguen desarrollándose con resultados efectivos. La defensa de los recursos naturales -principalmente los maderables- están a la orden del día. El acceso a los recursos genéticos está bajo control y se ha conseguido normar la posibilidad de un procedimiento sui generis para la protección del conocimiento indígena. El Programa de Formación de Maestros Bilingües Interculturales -de AIDESEP- ha expandido su acción con tres Programas descentralizados de Profesionalización. Existen en marcha diversos Programas de Salud Indígena en Atalaya y Gran Pajonal. Se han diseñado nuevos modelos de capacitación masiva y dirigencial en varias regiones. Diversas instancias del gobierno, incluidas las autoridades sectoriales de hidrocarburos han pedido la participación de AIDESEP en el diseño de la nueva normativa.

Este repunte del movimiento indígena amazónico del Perú se ha visto reconocido, en el plano internacional, con dos importantes distinciones a Federaciones afiliadas a AIDESEP.

En un caso, la OIRA (Organización Indígena de la Región de Atalaya), ha recibido el Premio Anti-Slavery en mérito al proceso de liberación de las comunidades atrapadas en poder de los madereros que tuvo como colofón la victoria electoral en los comicios municipales provinciales y distritales de una población mantenida durante siglos en condiciones de esclavitud.

En el otro, la FENAMAD (Federación Nativa del Río Madre de Dios y Afluentes), fue distinguida con el Premio Bartolomé de la Casas por su cerrada defensa de los pueblos *yora, nahua, amahuaca* y *mashco-piro* del Alto Río de las Piedras, voluntariamente aislados y acechados por las incursiones de la empresa Mobil en tierras de su asentamiento actual.

En ambos casos -esclavos en proceso de liberación e indígenas en extrema vulnerabilidad ante su primer contacto-, se evidencia el contraste de las razones de la distinción con la visión de los planificadores del gobierno peruano que lejos de atender a la realidad de los procesos que se viven actualmente en la Amazonía - que exigen un replanteamiento del tejido social con criterios de justicia histórica-, plantea una agresiva intervención empresarial en la región.

El paquete legislativo que, en 1995, intentó poner barreras definitivas a las pretensiones territoriales de los pueblos indígenas recibió una fuerte oposición y no logra aún imponerse. Pese a las promociones gubernamentales ninguna comunidad ha solicitado la

parcelación, venta o hipoteca de sus tierras. Hasta la fecha, la mal llamada Ley de Tierras no es reglamentada y todo indica que sufrirá muchos cambios antes de entrar en aplicación.

Sin embargo, y pese a la nueva declaración constitucional que adjetiva al Perú como un país pluriétnico, la política encaminada a marginar, reducir, integrar y campesinizar sistemáticamente a los pueblos indígenas, al decir de la organización nacional AIDESEP en su informe a la OIT, se mantiene firme.

Las nuevas normas sobre Zonas de Protección Ecológica y las anunciadas reformas de la Ley Forestal y de Aguas, unidas a la amenaza latente de las subastas de tierras libres anunciada por la Ley 26505, están dirigidas a poner en manos del capital privado, nacional y extranjero, los recursos y los espacios que sirven a la subsistencia básica de las comunidades indígenas.

El propósito de acortar los espacios a los pueblos indígenas amazónicos, que resultan un obstáculo para algunas de las prioridades políticas estatales -la privatización de los recursos naturales y la exploración y explotación de hidrocarburos- se plasma, también, en normas que permiten acelerar la titulación y el registro de predios particulares en la región y la imposición de dificultades a la titulación de las comunidades indígenas. Particularmente notorio e injusto es el caso de las comunidades *ashánikas* que han iniciado el retorno a sus hogares después de largos años de haber estado sometidas a procesos de extrema violencia y se encuentran con sus tierras concedidas a madereros y empresas petroleras.

La Dirección de Educación Bilingüe ha sido desmantelada a través del nombramiento de profesores hispanohablantes en gran número de las escuelas comunales.

Dentro del aparato estatal, el tema "poblaciones indígenas" se encuentra relegado a una Unidad dentro de la Oficina de Desarrollo productivo de la Gerencia de Desarrollo Humano del Ministerio de la Mujer. La Oficina tiene como finalidad expresar la promoción de la integración y el desarrollo productivo de las "poblaciones indígenas", categorizadas como un "grupo objetivo".

Mientras que en regiones como el Río Tigre, Corrientes y Pastaza -como en otras- se desarrollan enfermedades endémicas como la hepatitis B, falsiparum, malaria o rabia, sin la menor atención de los servicios estatales, estos se presentan impositivamente a las comunidades con programas, no solicitados ni deseados, de planificación familiar, basados en la promoción de la esterilización voluntaria.

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De otro lado, las políticas de ajuste han llevado a gran número de las comunidades andinas y amazónicas a entrar en un circuito de dependencia de los programas de apoyo social, fuertemente politizados e integradores. El nombramiento de "tenientes gobernadores", una autoridad designada por el gobierno con fines proselitistas y con amplias facultades de control social y político, es otra intervención contradictoria con la proclamada autonomía constitucional que ha sido recibida con recelo por toda la sociedad nacional.

BOLIVIA

A principios de 1996, la participación de los indígenas en la formación de los gobiernos municipales ha sido destacada como la principal novedad política de las elecciones de diciembre del año anterior. Desde la óptica del gobierno, la nueva Ley de la Participación Popular (LPP) tuvo un efecto democratizador inmediato que se reflejó en la presencia de indígenas en los gobiernos de varios municipios de Bolivia, es decir con la LPP los pueblos indígenas ya estarían compartiendo el poder como sector social y como ciudadanos.

Esta evaluación optimista no ha sido aceptada de la misma manera por todas las organizaciones indígenas de las Tierras Bajas. Para José Guasebe de la Central de Pueblo (CPIB) en el departamento del Beni, aunque es evidente, la presencia de indígenas en los gobiernos municipales carece de poder, porque no es una participación orgánica sino más bien resultado de iniciativas individuales legítimas pero promovidas por algunos partidos políticos. Dirigentes de la Confederación de Pueblos Indígenas del Oriente, Chaco, y Amazonía (CIDOB) y otras organizaciones como la misma CPIB, sin embargo, coincidieron en señalar que esta primera experiencia debe ser tomada en cuenta con miras a una participación política orgánica de los pueblos indígenas en los procesos electorales, decisión que fue tomada a fines de diciembre en una asamblea nacional realizada en el pueblo de San Ignacio de Moxos.

Aunque las propias organizaciones reconocen aspectos positivos de la LPP, la situación política cotidiana de los pueblos indígenas no ha cambiado demasiado. En los municipios subsiste la discriminación y el paternalismo político hacia la población indígena, los espacios locales de poder siguen siendo patrimonio de los antiguos grupos dominantes de los poblados urbanos que frenan una verdadera participación de los indígenas en la vida política, son renuentes

inclusive a aceptar el control social y fomentar la planificación participativa en la gestión municipal, como manda aquella ley.

Luego de ocho años de movilización social por cambiar la estructura legal sobre los recursos forestales, en julio de 1996 el Gobierno de Sánchez de Lozada promulgó la nueva Ley Forestal de la Nación. Para Bolivia era importante mostrar un ordenamiento legal moderno como país sede de la Cumbre de las Américas sobre Desarrollo Sostenible efectuada en diciembre, razón por la que el gobierno aceleró su aprobación. Desde 1987, la movilización por una nueva ley forestal tuvo dos frentes impulsores, por una parte a las ONGs ambientalistas ligadas al Foro Boliviano del Medio Ambiente, la Liga de Defensa del Medio Ambiente y al movimiento indígena de las Tierras, y por otra parte a la industria maderera con sus aspiraciones de privatizar las tierras forestales.

Se ha destacado que la nueva ley forestal contiene aspectos positivos como el establecer que los asentamientos indígenas en las tierras de protección, públicas o privadas, no deben ser afectados. De otro lado, define mecanismos específicos mediante los cuales los pueblos indígenas pueden acceder al aprovechamiento comercial de los recursos forestales. Destaca, en este sentido, el derecho exclusivo al aprovechamiento forestal en las tierras comunitarias de origen (TCO) previamente reconocidas de acuerdo al artículo 171 de la Constitución Política del Estado, con la salvedad de que debe cumplir con otros requisitos de ley como los planes de manejo, pago de patente mínima, delimitación de áreas de aprovechamiento, entre otros.

No obstante, la puesta en vigencia de la nueva ley no ha significado un cambio rápido en los mecanismos de control de la explotación forestal en el país, luego de 8 meses de su aprobación lentamente se establecen las nuevas estructuras de control y regulación, y los reglamentos de la ley fueron aprobados recientemente, en plena navidad de diciembre de 1996.

A solicitud del gobierno, la formulación de los reglamentos estuvo asesorada por BOLFOR, un proyecto paraestatal que contrató equipos técnicos encargados de recoger sugerencias de los sectores involucrados en la cuestión forestal. En relación a los territorios indígenas hubo una participación indirecta de los indígenas ya que sus planteamientos fueron recogidos por grupos ambientalistas que trabajaron en la elaboración de la reglamentación específica de su sector.

Mientras se discutía el proyecto de ley en el Parlamento no cesaron la corrupción y la explotación ilegal de recursos forestales,

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en el mes de abril, grupos de protección y comunarios del Territorio Indígena Parque Nacional Isiboro Sécure (TIPNIS) decomisaron madera extraída en forma ilegal del territorio indígena. Una vez hecha pública la intervención, miembros del organismo estatal Centro de Desarrollo Forestal (CDF-RN), decidieron rematar la madera sin considerar la situación legal del TIPNIS ni la opinión de los indígenas, aprovechando el "vacío legal" que se vivía en el país. Esta situación motivó una movilización de las organizaciones indígenas, finalmente la Prefectura del departamento del Beni paralizó el remate reconociendo que los reclamos de los indígenas eran justos.

Incluso con la ley forestal aprobada, la explotación ilegal de madera en algunos territorios indígenas y áreas protegidas continuó sin límites, en el Territorio Indígena y Parque Nacional Pilón Lajas una denuncia sobre extracción de mara provocó un escándalo, a raíz del apresamiento del principal denunciante por encargo de un maderero que opera en la zona.

El proceso de gestión en los territorios indígenas en el Beni avanzó básicamente con los planes de manejo y desarrollo mediante metodologías de planificación participativa. En el TIPNIS se vivió una nueva etapa que avanza hacia una mayor autonomía, cada vez los indígenas toman nuevas responsabilidades en las políticas de administración de su territorio. Un hecho importante es la transferencia a la Subcentral del TIPNIS del Centro de Gestión y los módulos productivos, ubicados en la unión de los ríos Isioboro y Sécure. Otro logro destacable es el proceso de planificación participativa en el territorio *sirinó* (TIS) que ha dado como resultado un Diagnóstico Socioeconómico y un Plan de Manejo y Desarrollo del TIS.

La compatibilidad entre territorios indígenas y áreas protegidas es otro tema que volvió a ser puesto en discusión a raíz del papel que pretende desempeñar el Sistema Nacional de Áreas Protegidas en la gestión de aquellas áreas que además, tienen la condición de territorios. La base de la política estatal es un reglamento que dispone establecer convenios con Pueblos Indígenas para la gestión de áreas protegidas, esta situación puede llevar a distorsionar los procesos de autogestión, subordinando las estructuras organizativas y los sistemas de protección a la tutela de un organismo estatal.

En el marco de la LPP, la confirmación de los territorios indígenas como distritos municipales resaltó como una respuesta favorable a los intereses indígenas, sin que esto implique una negación de los atributos esenciales del concepto de territorio. En febrero, una

"reunión-cabildo" de los indígenas del Beni ratificó que los territorios indígenas establecidos y otros a ser titulados pueden ser distritos municipales, planteó también la designación de los Sub Alcaldes respetando sus propios mecanismos de elección. En el caso del Beni, están reconocidos como distritos con sus respectivos alcaldes el TIS, TIM y TIPNIS en el Beni, aunque la canalización de recursos económicos a sus territorios es mínima, su inserción en la gestión municipal no se ejecuta tal como manda la LPP.

En agosto de 1996 organizaciones campesinas (CSUTCB), indígenas (CIDOB) y colonizadores campesinos (CSCB) iniciaron una marcha desde la ciudad de Santa Cruz hasta la sede de gobierno para hacer aprobar la ley de tierras que había sido modificada unilateralmente por el Gobierno, tres meses antes de haber manifestado su total acuerdo con la propuesta.

Lamentablemente, la movilización campesino-indígena no pudo mantenerse cohesionada como se esperaba, al final los indígenas tomaron un camino propio en las negociaciones debido a diferencias estructurales en la orientación de la movilización y las demandas. Una vez establecidos los acuerdos con el gobierno, la decisión de los indígenas liderados por Marcial Fabricano fue calificada por los sectores campesinos como una burla, en cambio analistas y políticos coincidieron en señalar que es parte de una forma de actuar diferente que no coincide con la lógica sindical de enfrentar los conflictos con el Estado.

Las principales demandas de la CIDOB fueron la titulación de territorios indígenas reconocidos por decreto supremo y otros nuevos, creación de municipios indígenas, representación política sin intermediación de los partidos. De estas demandas, sólo la primera tuvo un resultado concreto en la Ley INRA que establece el saneamiento y la titulación en un plazo perentorio, de 10 territorios indígenas (TCOs), las otras dos demandas quedaron pendientes pues exigen una reforma a la constitución difícilmente aceptada por los partidos. Tomando en cuenta los 10 años del proceso de emergencia del movimiento indígena, consideramos que sus demandas principales tienden a institucionalizarse en el marco de las nuevas leyes aprobadas en los últimos cuatro años.

Finalmente, a finales de diciembre de 1996 representantes indígenas de las Tierras Bajas resolvieron la participación de su movimiento en las elecciones nacionales del año 1997, por la necesidad de contar con representantes propios en el Parlamento. Con este

propósito determinaron una reestructuración de su estatuto interno que abra paso a la participación electoral y las alianzas con partidos políticos. En vista de no contar con un partido propio reconocido por el sistema electoral, los indígenas tomaron la decisión de aliarse con el Movimiento Bolivia Libre, después de haber planteado sus propuestas a representantes de diversos partidos. El resultado más importante de esta alianza inédita entre un partido y un movimiento social ha sido la designación del líder indígena Marcial Fabricano como candidato a vicepresidente de Bolivia. Aparte de que la participación de los indígenas ha provocado diversas opiniones, lo cierto es que marca una nueva etapa, en lo inmediato, cabe esperar los resultados de las elecciones nacionales, y, hacia adelante, veremos los efectos en la fisonomía del movimiento indígena de las tierras bajas.

BRASIL

Hace ya casi 500 años de la llegada de los europeos al Brasil, los 210 pueblos indígenas que aquí viven crecen numéricamente, sumando hoy 280.000 individuos, distribuidos en más de 4.000 aldeas y asentamientos indígenas, desmintiendo las proyecciones pesimistas del pasado que preveían la extinción de los indígenas del Brasil. En este censo están computados los indígenas que habitan fuera de las tierras indígenas.

A pesar de las constataciones antes mencionadas, son innumerables los problemas enfrentados por los indígenas del Brasil, comenzando por las ambigüedades de la política indigenista del gobierno brasileño. Las demarcaciones de las tierras avanzan y retroceden, poniendo en evidencia las demandas de los territorios indígenas. Siguen las demoras sobre la legislación específica. La Funai es precaria, casi no tiene servicios organizados de educación y salud. Los indígenas tienen dificultad para asegurar su presencia en el futuro del Brasil.

1. Tierras indígenas - Demarcación

La cuestión de la demarcación de las tierras indígenas del Brasil se vio envuelta en una enorme polémica en el inicio del actual mandato presidencial, en 1995, cuando Nelson Jobim asumió el Ministerio de Justicia, responsable de la ejecución de la política indigenista. Se inició entonces, un cuestionamiento oficial acerca de la consti-

tucionalidad del Decreto 22/91, entonces vigente, que reglamentaba el procedimiento administrativo de demarcación. El mismo acabó siendo substituido por el polémico Decreto 1775/96, el cual instituyó el proceso de la recusación, o sea, abriendo espacio para que los interesados en cuestionar los límites de las tierras indígenas pudieran manifestarse.

Dos años pasaron en esta discusión, sin que se tomaran nuevas providencias en relación a más de un centenar de procesos demarcatorios en curso. Con la edición del nuevo decreto, estos procesos fueron retomados, siendo sometidos retroactivamente a los nuevos procedimientos y cronogramas establecidos ya que, hasta junio del 97, algunos casos todavía estaban pendientes de la decisión política. El resultado general de este proceso es profundamente ambiguo: la gran mayoría de los procesos sometidos al nuevo decreto fueron, digamos, consolidados, o porque no llegaron a ser recusados, o porque las recusaciones presentadas fueron rechazadas, e importantes tierras indígenas tuvieron sus límites oficialmente reconocidos, como en el caso del Alto Río Negro. No obstante, en por lo menos tres casos el Ministerio de Justicia determinó a la Funai la reducción de los límites anteriormente identificados, favoreciendo a los propietarios de la tierra, "garimpeiros" y políticos regionales, y desconsiderando los derechos constitucionales de los indígenas. Uno de los más importantes de estos casos es el de la Tierra Indígena Raposa-Serra do Sol, en el estado de Roraima -región donde ocurren sucesivos conflictos que involucran a las poblaciones indígenas-, en que el Ministerio de Justicia resolvió reducir el área a ser demarcada, de modo de "liberar" villas de garimpeiros, carreteras y haciendas, instaladas ilegalmente dentro de la misma.

Vale la pena destacar la situación esquizofrénica que el proceso demarcatorio oficial proyecta. En el noreste, en el este y en el centro-sur del país, las regiones en que el proceso de ocupación colonial así como el reconocimiento de las tierras indígenas ocurrieron hace más tiempo, estas tierras fueron delimitadas en extensión reducida. En ellas se concentra el 40% de la población indígena brasileña en apenas el 2% de la extensión total de las tierras indígenas. Por otro lado, en la Amazonía Legal brasileña, región que tiene baja densidad demográfica, a pesar de los flujos recientes de ocupación y de migración, se sitúan las tierras indígenas que, de modo general, fueron reconocidas más recientemente, en mayor extensión, concentrando el 60% de la población indígena en el 98% de la extensión total de las tierras.

El siguiente es el cuadro general de las tierras indígenas según la etapa del proceso demarcatorio en que se encuentran:

A identificar (3 con interdicción)	78	2.749.000
En identificación (5 con interdicción)	64	2.298.380
En identificación/Revisión	29	2.685.198
Con restricción de uso para no-indígenas	5	8.897.066
subtotal	176	16.626.270
		16,63%
Identificadas- Pasadas al Ministro de Justicia	4	1.832.375
Identificadas/Aprobadas/Funai. Sujetas a recusaciones	10	210.572
		2,04%
Delimitadas (4 c/demarcación física y 33 en demarcación)	81	25.260.454
		25,26%
subtotal	190	
Reservadas	24	4.647.547
Homologadas	29	4.332.141
Registradas en el CRI y el SPU	239	47.096.694
total	292	56.076.382
		56,07%
Total en el Brasil	*563*	*100.009.427*
		100,00%

Reconocimiento de tierras indígenas en los gobiernos Collor, Itamare, FHC

Presidente	Periodo	Declaradas	Extensión numero (ha)	Homologadas	Extension numero (ha)
Fernando Collor	en 90/set 92	58	25.794.263	112	26.405.219
Itamar Franco	oct 92/dic 94	39	7.241.711	16	5.432.437
FH Cardoso	en 95/jun 97	30	12.451.856	46	6.952.943
			Total	174	38.790.599

Como se ve, hay todavía un gran número de disputas a ser resueltas en relación a la demarcación de las tierras indígenas (que son las tierras a identificar, en identificación y las identificadas, que suman

190, todavía no declaradas de posesión permanente indígena, y que están sujetas al nuevo Decreto 1.775). A pesar de ya haberse caducado, hace cuatro años, el plazo establecido por la Constitución brasileña para que todo proceso sea concluido, el empeño del actual gobierno está claramente situado más allá de lo posible. Por otro lado, más de la mitad de las tierras indígenas ya están oficialmente reconocidas, caracterizando un expresivo salto histórico en el correr de los años 90, en los que se ubican, con importancia creciente, las cuestiones relativas a la gestión de estas tierras por los pueblos o grupos indígenas que las ocupan.

2. Tierras indígenas - Invasiones y demandas de gestión

A pesar de los avances formales, la situación de hecho de los territorios indígenas inspira grandes preocupaciones. Según la Funai, e independientemente de que estén o no formalmente demarcadas, el 85% de las tierras indígenas sufre algún tipo de invasión, permanente o intermitente, furtiva o consentida mediante la cooptación. Los principales agentes invasores son los latifundistas, los garimpeiros, los madereros y los trabajadores rurales sin tierra.

Este cuadro expresa una caótica situación fundiaria en el interior del país, caracterizada por la concentración de la propiedad de las tierras en pocas manos, y asociada a condiciones económicas sumamente precarias que afligen a la mayoría de la población brasileña. Expresa también, las dificultades que los pueblos indígenas están enfrentando para manejar sus territorios en el contexto de las relaciones de contacto y de mercado.

En cuanto a las direcciones indígenas, las partes más vinculadas históricamente al órgano indigenista, lo presionan desesperadamente para obtener recursos y otros medios de asistencia, y otra parte comienza a buscar soluciones propias, formulando proyectos para acceder a fuentes alternativas de financiamiento y procurar establecer nuevas relaciones con ONGs, universidades y agencias públicas, superando antiguas relaciones de tutela impuestas por el estado nacional. No obstante, este último proceso es todavía embrionario y se enfrenta con un gran volumen de dificultades para viabilizar de manera sustentable los proyectos de futuro de estos pueblos.

Algunas dificultades son de naturaleza económica y operacional, provenientes del relativo aislamiento geográfico de muchas de las tierras indígenas, especialmente las que se sitúan en la región

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amazónica. En ellas, la prestación de servicios de salud o educación, así como la comercialización de productos, se enfrentan con los costos prohibitivos de los transportes, que fragilizan las acciones asistenciales y las condiciones de acceso a los mercados regionales. Otras son de carácter cultural y tienen que ver con el insuficiente conocimiento que muchas comunidades tienen sobre los mecanismos de nuestra sociedad, especialmente aquellas que trabaron con ella un contacto más reciente. Otras, todavía, se refieren a la falta de legislación que establezca claramente las reglas y procedimientos para que los proyectos comunitarios indígenas puedan desarrollarse con posibilidades de éxito.

La hipótesis política básica para asegurar la sustentabilidad política de los territorios conquistados por los indígenas, así como para viabilizar la gestión de los mismos de modo de asegurar el uso futuro de los recursos naturales, es la de la vinculación estratégica entre las tierras indígenas y los proyectos de futuro de los pueblos ocupantes con la cuestión ambiental, las áreas protegidas y las políticas de certificación y de agregación de valor a los productos tradicionales indígenas.

3. Paralización legislativa

Sin embargo, las cuestiones relativas a la gestión de los territorios indígenas, además de las dificultades objetivas, encuentran obstáculos en la imprecisión o indefinición de la legislación vigente. El Brasil promulgó su Constitución en el año 1988, pero la legislación ordinaria, por regla, precede a la Constitución, existiendo dudas y polémicas sobre qué es lo que permanece vigente, qué sería revocado o reformulado por la nueva Constitución. Además, buena parte de esta legislación ordinaria se encuentra desfasada en relación a las nuevas cuestiones que actualmente se presentan a los pueblos indígenas, como es el caso de los derechos de propiedad intelectual, el acceso a los recursos genéticos existentes en las tierras indígenas y el manejo sustentable de recursos naturales.

No existen claridad sobre qué actividades los pueblos indígenas pueden o no desarrollar en sus territorios. En cuanto a las actividades tradicionales no hay limitación, pero cuando se trata de actividades relacionadas al mercado, la confusión es grande, no habiendo definición de las condiciones y de los procedimientos exigidos. Por ejemplo, las normas generales que regulan las autorizaciones de los poderes públicos para la exploración maderera o minera no son

aplicables a la situación de las tierras indígenas y no existen todavía normas específicas definidas.

Pasados casi nueve años de la promulgación de la Constitución, todavía no fueron reglamentados los dispositivos constitucionales que exigen leyes ordinarias. Hay decenas de proyectos de ley en trámite en el Congreso Nacional con este fin, pero no hay leyes ya promulgadas. De la misma forma, hay proyectos en trámite con el objetivo de reformular el antiguo Estatuto del Indio, adaptándolo a los parámetros de la nueva Constitución, pero que ya hace muchos años aguardan decisiones del Congreso, y es el caso que el propio gobierno obstruyó esta tramitación por no conseguir consenso en torno a posiciones divergentes dentro del mismo. El gobierno brasileño suscribió el Convenio 169 de la OIT (Organización Internacional del Trabajo), pero el Congreso Nacional todavía no lo ratificó. En suma, los poderes públicos no priorizan las demandas legislativas de interés para los pueblos indígenas.

El "embrollo" legal afecta incluso la posibilidad de asociación estratégica entre las cuestiones indígena y ambiental. Las normas jurídicas que establecen las categorías de manejo de unidades de conservación ambiental inspiradas en la legislación norteamericana y en las formulaciones de la UICN, no son aplicables a los territorios indígenas porque implican restricciones unilaterales, impuestas por el Estado, que no son compatibles con el derecho de usufructo exclusivo reconocido a los indígenas por la Constitución. Existen, también, propuestas de ley para superar estas contradicciones, pero su viabilidad se atasca en disputas corporativas entre las agencias federales responsables de las políticas ambiental e indigenista.

En tanto que los poderes públicos no se entienden y no priorizan soluciones para los indígenas, a éstos les resta la opción de la informalidad, que restringe las posibilidades de colaboración y de acceso a condiciones más favorables de mercado. Mientras tanto, cuando las actividades informales se ven envueltas en conflictos internos de las comunidades indígenas o provenientes de las relaciones con los frentes de expansión económica, acaban fragilizándose o dando espacio para su criminalización por intereses económicos y políticos de naturaleza predatoria que se oponen a las mismas.

4. Inoperancia de la Funai y de otras agencias públicas

A estas dificultades se suma todavía la crisis del Estado. La Funai, así como otras agencias públicas que tienen competencias relacio-

nadas a los indígenas, se encuentran profundamente deterioradas y están perdiendo progresivamente su capacidad operacional. No se trata de un problema que afecte específicamente a estas agencias, sino al Estado brasileño en general.

El gobierno federal está proponiendo una reforma del Estado, en los moldes hegemónicos del neoliberalismo, pero su estrategia pasa preliminarmente por reformas constitucionales que presuponen el apoyo del 60% de cada una de las cámaras del Congreso. Incluso las iniciativas que jurídicamente no dependen de las alteraciones constitucionales propuestas han sido calladas para que no acaben generando reacciones políticas capaces de perjudicar la aprobación de las enmiendas constitucionales. Esta opción de procedimiento va convirtiendo al gobierno federal en rehén de los intereses corporativos y clientelistas de las bancadas parlamentarias. Por otro lado, genera inmovilismo en los órganos públicos, cuyo prolongamiento acaba agravando la situación de deterioro ya existente. Para que se tenga una idea, ya pasó la mitad del actual mandato presidencial y las enmiendas relacionadas a la reforma del Estado todavía están siendo votadas (y desfiguradas) por la Cámara de Diputados y todavía deberán ser sometidas al Senado. El próximo año es electoral y, por lo tanto, desfavorable para las grandes reformas. Ya se habla de promover un proceso de revisión constitucional en 1999. Corremos el riesgo de ingresar en el tercer milenio con el mismo Estado que disponemos, y sin haber logrado una estabilidad constitucional.

En el ámbito de la Funai, cualquier tentativa, aunque sea moderada, de reestructuración institucional, termina generando fuertes reacciones corporativas, en las que no faltan las manipulaciones de las direcciones indígenas dependientes del organismo contra quien pretenda reformarlo, sin que el gobierno disponga de estrategias de apoyo a los esfuerzos para combatir las "mafias" corporativas que impregnan el aparato del Estado, inclusive la Funai. Para otras direcciones y organizaciones indígenas, ya no se trata de reestructurar la Funai, sino de substituirla por otra(s) agencia(s) públicas que no tenga(n) carácter tutelar. Pero incluso esta posición depende de que otras instancias gubernamentales, también carentes de reestructuración, asuman responsabilidades en relación a la política indigenista. Lo más probable es que esta discusión termine impregnando los programas de los candidatos presidenciales a las elecciones del próximo año.

5. Situación de la salud

En este contexto de crisis del Estado y de intensificación de las relaciones de contacto entre los pueblos indígenas y la sociedad nacional, los servicios públicos sociales, que nunca fueron eficientes, muchos menos para los indígenas, también se están deteriorando. No existe una política de educación para indígenas (ni sobre indígenas), y la política general, que presupone la municipalización de los servicios de educación, no dispone de contrapesos que compensen la discriminación más intensa que históricamente sufren los indígenas a nivel de la política local. Los recursos federales descentralizados raramente llegan a las aldeas y no hay disposición del gobierno federal para asumir directamente estos servicios.

La asistencia de la salud de los indígenas padece, de cierta manera, de las mismas dificultades, de acceso al Sistema Único de Salud (SUS), en que se basa la política general de la salud. Hay una Coordinadora de Salud Indígena de la Fundación Nacional de la Salud, organismo que podrá ser extinguido en el contexto de la reforma del Estado, que realiza algunas acciones junto a algunas comunidades indígenas, sin que tenga condiciones y capilaridad para ejecutar una política consistente a escala nacional. Esta Coordinadora está efectuando algunos convenios para pasar recursos a organizaciones indígenas para contratar profesionales, realizar algunos servicios y formar monitores indígenas de la salud, pero todavía no hay indicadores consistentes de que estas iniciativas tengan continuidad y eficacia.

En lo que a eso respecta, a pesar de no existir datos sistemáticos, hay fuertes evidencias de que la situación de salud de la mayoría de las comunidades indígenas se agrava profundamente. La malaria, la tuberculosis, las enfermedades pulmonares y las transmisibles sexualmente reinan en todas las regiones del país. Ya hay 32 casos confirmados de SIDA entre indígenas, también en varias regiones, habiendo situaciones epidémicas localizadas que ponen en riesgo la misma supervivencia de los pueblos. Es el caso de los *tiriyó*, que viven en el norte del estado de Pará, en la frontera con Surinam, entre los cuales ya fueron constatados doce casos, en un examen que implicó a poco más de la mitad de su población, de cerca de ochocientas personas. El gobierno se niega a divulgar los resultados de los exámenes más recientes, alegando la preocupación de evitar discriminaciones adicionales contra los indígenas, pero no hay señal de que se vayan a tomar medidas concretas a tiempo como para evitar el riesgo del exterminio.

6. Perspectivas

Son grandes los desafíos para el futuro de los pueblos indígenas del Brasil. La ambigüedad política del gobierno no permite previsiones sobre cuándo la cuestión indígena podrá disponer de mayor atención. Por otro lado, la situación de hecho de los pueblos indígenas y de sus territorios se agrava frente a las presiones provenientes de la intensificación del proceso de ocupación y de exploración de los recursos naturales en el interior del país y, consecuentemente, de las relaciones de contacto. Tampoco se puede prever cuándo el Estado nacional recuperará su capacidad de actuación y de implementación efectiva de políticas públicas básicas.

Siendo así, las oportunidades y condiciones para la sobrevivencia de los pueblos indígenas dependen mucho más de ellos mismos que de la acción de los poderse públicos. En términos generales, y desde mediados de los años 70, la población indígena del Brasil, que representa apenas un 0,2% de la población nacional, crece en números absolutos y relativos, reflejando una tendencia mayoritaria de recuperación demográfica pos-contacto, que no excluye casos específicos de pueblos que siguen perdiendo población y sufren riesgo de extinción. Esto significa objetivamente, pero no genéricamente, que los indígenas tendrán presencia en el futuro del país.

Los pueblos que logren conquistar el reconocimiento de territorios extensos tendrán mejores condiciones para asegurar la continuidad de sus prácticas tradicionales, el establecimiento de relaciones menos desfavorables de contacto y la viabilización de sus proyectos de futuro. Podrán incluso desempeñar un papel activo en ciertas políticas generales, como la de conservación y manejo de recursos naturales, asegurando al conjunto de la población brasileña la biodiversidad que la misma no ha sido capaz de preservar para las futuras generaciones.

PARAGUAY

A lo largo de 1996 y parte de 1997, el Instituto Paraguayo del Indígena (INDI) fue duramente criticado y cuestionado por distintos sectores y en especial por los mismos indígenas por casos que van desde la ineficiencia del ente para cumplir con sus funciones más básicas hasta la denuncia de supuestos hechos de corrupción a distintos niveles. Líderes de varias comunidades, denunciaron periódicamente en la prensa y ante altas autoridades nacionales, la insuficiente y limitada acción del gobierno paraguayo en la solu-

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ción de la problemática indígena como así también la ineficacia del ente estatal indigenista en solucionar los reclamos y reivindicaciones de los nativos. Las críticas y denuncias no fueron dirigidas solamente hacia el presidente del ente gubernamental, Valentín Gamarra, sino contra funcionarios de la institución y miembros del Consejo del INDI.

Pero sin duda, el mayor peso de las acusaciones recayó sobre la gestión y desempeño del presidente Gamarra, especialmente en referencia a su administración. En el mes de abril de 1996, la Contraloría General de la República inició una investigación sobre casos de compra de tierras en la Región Occidental. El informe emitido por la Contraloría en junio del mismo año, reveló la existencia de una serie de irregularidades en la compra de varios inmuebles. En septiembre, la Comisión de Derechos Humanos de la Cámara de Diputados pidió a la Contraloría los informes sobre la intervención realizada en el INDI, a fin de tener más datos sobre los supuestos hechos de corrupción. En el mes de octubre, el Fiscal General del Estado presentó en tribunales una denuncia contra Gamarra por supuestos hechos de sobrefacturación (que alcanza la suma de US$ 600.000) en la compra de una finca de 25.000 hectáreas, en el Chaco, cuya cotización real asciende únicamente a US$ 14.500. El juez del crimen que atiende la causa dispuso el embargo de los bienes de Valentín Gamarra por valor de unos US$ 620.000 y ordenó la inhibición de gravar o vender los bienes del encausado.

Por fin, luego de tantas denuncias e irregularidades, el titular del INDI fue separado de su cargo y puesto en su reemplazo a Julio Colmán, también político del partido de gobierno. Según las declaraciones públicas del Secretario de la Presidencia de la República, Colmán sería solo un presidente transitorio, hasta que se aclaren las malversaciones y los hechos ocurridos en el ente estatal.

La tierra: un largo camino por recorrer

El problema de los indígenas relativo a la tierra es la triste y dramática situación de muchos pueblos nativos del país. Existen comunidades que desde hace más de una década están buscando recuperar una ínfima parte de sus ancestrales territorios, sin obtener hasta hoy respuestas a sus reclamos. Aunque, a lo largo de 1996, varias comunidades indígenas lograron recuperar una mínima parte de sus dominios, la situación se torna cada vez más grave y angustiosa. Sólo en el Chaco paraguayo cuya superficie es de

24.695.000 de hectáreas, las tierras indígenas legalizadas afectan a un insignificante 1,8% (445.305 hectáreas) y las áreas protegidas un 4,45%. En términos poblacionales los indígenas del Chaco, siendo el 60% de los habitantes de la región, tienen acceso solamente a menos del 2% de la superficie de la región.

Esta realidad necesita una justa e inmediata respuesta por parte del Estado. Por un lado el parlamento nacional, además de haber aprobado para el presente año un presupuesto de US$ 14.000.000, debería sancionar una nueva ley que derogue la actual 904/81 (Estatuto de Comunidades Indígenas), buscando una nueva estructura capaz de dar repuestas efectivas a los reclamos indígenas. Esta tarea, si bien es propia de la función legislativa, tendría que tener por promotores a los mismos indígenas y a las entidades indígenistas. Por otro lado, mientras exista la actual estructura, es indispensable que los organismos contralores de Estado, sometan al INDI a un estricto control y seguimiento, de tal forma de reducir al mínimo la posibilidad de corrupción y mala administración que hasta ahora ha sido una constante.

La salud de los indígenas en Paraguay se ha ido deteriorando en los últimos años debido a las malas condiciones de vida, escasa alimentación (agravada por la masiva deforestación) y deficiente cobertura sanitaria por parte del gobierno. Durante 1996, cientos de niños murieron a causa de parasitosis, diarreas, afecciones pulmonares y otras enfermedades más frecuentes y peligrosas, que afectan a casi el 80% de los nativos. Hubo en el segundo semestre del año un fuerte rebrote con características de epidemia, que atacó principalmente a la población indígena del Chaco.

Ante esta situación el Estado continua teniendo una acción inadecuada y parcial y en grandes extensiones totalmente ausente. Una muestra clara de esta situación es la miserable suma de US$ 1 (un dólar) presupuestado por el INDI para cubrir la atención sanitaria de cada indígena en un año.

Dificultades y dudas en relación al proyecto impulsado por la Unión Europea y el gobierno paraguayo

En 1994, los indígenas del Chaco conjuntamente con ONGs nacionales e internacionales, consiguieron incluir la restitución de las tierras reivindicadas a los pueblos indígenas de esa región como una de las pre-condiciones esenciales para la realización de la

segunda etapa del Proyecto de Desarrollo Sustentable del Chaco (PRODECHACO), emprendimiento impulsado por la UE y el gobierno paraguayo. Sin embargo, en sucesivas declaraciones públicas, representantes locales de la Unión Europea y del gobierno nacional, han desestimado la existencia de dicha pre-condición.

Indígenas y ONGs indígenistas y ambientalistas, manifestaron su preocupación y descontento por no haber sido consultados e informados debidamente sobre dicho proyecto. Durante la visita del mes de junio, del Vice-presidente de la UE señor Manuel Marín, líderes indígenas del Chaco paraguayo le hicieron llegar una carta en la que se quejaban de la no participación indígena en el proyecto y en donde se le pedía que ratifique la existencia de la mencionada pre-condición.

A pesar de los reclamos indígenas y de las diversas ONGs, el gobierno Wasmosy no se manifiesta preocupado por lo que pueda pasar con los indígenas. Muestra de esto, es el despido injustificado que sufrió el antropólogo austríaco Georg Grünberg (contratado por la UE como asesor del Proyecto) y separado de su cargo por expreso pedido del gobierno paraguayo. Este hecho que aun no ha sido suficientemente aclarado, demuestra igualmente que la UE no tiene una clara y firme posición de apoyo a los indígenas que reivindican sus legítimos territorios y que sí tiene más interés en adecuarse al gobierno paraguayo.

Esto ha sido muy claro después de las entrevistas mantenidas con Joel Fessaguet, embajador de la UE ante Uruguay y Paraguay y con los codirectores del Proyecto, el inglés Mike Holland y Oscar Ferreiro de Paraguay, quiénes no respondieron satisfactoriamente sobre que pasaría si el gobierno del Paraguay no cumple con las pre-condiciones. La realidad es preocupante, pues a pocos meses de que se envíe el informe final a la UE, el gobierno paraguayo ha hecho muy poco en relación a la restitución de los territorios reivindicados por los pueblos indígenas del Chaco. Comunidades *enxet* de Sawhoyamaxa, Lamenxay, Yake Axa, Yesamatathla; el pueblo *ayoreo-totobiegosode* y muchos otros (que mínimamente suman unas 1.200.000 hectáreas sólo en el Chaco) continúan sin la legalización ni restitución solicitada.

Esto hace suponer dos cosas: que al gobierno no le interesa lo establecido por la UE y que es muy probable que el Paraguay pierda un importante crédito (US$ 18.000.000) que le permitiría realizar uno de los proyectos de desarrollo que faltan, o que el gobierno haga una solución más bien "cosmética" con tal de llevar

adelante el proyecto. Es decir, se darán a los indígenas, tierras que no son las reivindicadas por ellos, obligándolos a ocuparlas.

Principales hechos que atentaron contra los nativos

Unas sesenta familias indígenas de la parcialidad *avá-guaraní* del distrito de Itakyry, Departamento de Alto Paraná, fueron desalojadas de su territorio por un grupo de hombres enviados por el supuesto propietario de las tierras (mayo 1996).

Indígenas enxet de la comunidad de Yesamatathala, departamento de Presidente Hayes, fueron desalojados y destruídas sus aldeas por orden de la familia Bischoff, actuales dueños de sus antiguas tierras, a raíz de la reivindicación que desde hace unos años la comunidad está impulsando. La justicia paraguaya, se muestra muy lenta para solucionar el desalojo sufrido por esta comunidad, ya que las autoridades y funcionarios pertinentes dilatan inexplicablemente el caso. Mientras tanto, los nativos están dispersos, sin trabajo ni alimentos, deambulando en busca de un lugar donde asentarse (mayo 1996).

El líder avá-guaraní Crescencio Enciso fue asesinado a tiros por desconocidos por querer defender sus tierras de la invasión y la deforestación que estaban sufriendo. El indígena pertenecía a la comunidad Arroyo Mokoi, del Departamento de San Pedro (junio 1996).

Tiburcio Zavala, hijo del líder de la comunidad enxet Esmeralda (Departamento de Presidente Hayes), fue presuntamente torturado y posteriormente desaparecido, sin que el caso haya sido suficientemente investigado y castigado a los culpables. El padre de la víctima indicó como responsables a policías menonitas y a algunos indígenas de la zona de Loma Plata (Chaco).

Indígenas avá-guaraní de Jejytymirí, Departamento de Alto Paraná denunciaron nuevos atropellos y violencia contra dicha comunidad e incluso el caso de una menor que fue violada por el personal de la firma Perfecta SAMI, empresa que reclama como suya las tierras indígenas (julio 1996).

La Comisión de Derechos Humanos de la Cámara de Diputados citó al comandante de la Policía Nacional, Mario Sapriza, con el fin de dar detalles sobre supuestos atropellos de agentes de la Policía Nacional, a una comunidad *mbya*, en Yvy Pyahú del Departamento de Caaguazú (julio 1996).

Indígenas *tomaraho* de Puerto Caballo (Departamento de Alto Paraguay), fueron desalojados de sus tierras. Según la denuncia,

estos nativos fueron engañados por funcionarios del INDI y trasladados a tierras áridas en donde se encuentran sin ningún tipo de recursos ni asistencia (septiembre 1996).

Indígenas enxet de la comunidad de Los Lapachos, denunciaron la tala indiscriminada que sufrieron sus tierras por parte de los administradores de un establecimiento ganadero vecino. Aunque dichas tierras contaban con una orden judicial de no innovar, las mismas están siendo masivamente desforestadas.

Indígenas enxet de la comunidad Yake Axa presentaron un recurso de amparo constitucional ante el Juzgado a cargo del juez Raúl Barriocanal, en contra de la firma Torokay. Los indígenas tuvieron que recurrir a la justicia, pues la firma, propietaria actual de sus tradicionales tierras, les prohibió entrar a cazar en sus ancestrales territorios. El Juez, haciendo caso omiso a lo que establece la Constitución Nacional y el Convenio 169 del O.I.T. ratificado por el Paraguay en 1993, rechazó en primera instancia el justo reclamo indígena. Está de más mencionar, que los indígenas están pasando por momentos muy duros debido a la precariedad en la que se encuentran, a la falta de alimentos y a las diversas enfermedades que están causando estragos en la sufrida comunidad.

ARGENTINA

Las violaciones a los derechos de los pueblos indígenas en Argentina continúan. En la costa del río Pilcomayo donde viven miembros de cinco pueblos originarios se siguió con la construcción de un puente internacional entre Argentina y Paraguay a pesar de las demandas judiciales de la Asociación de Comunidades Aborígenes Lhaka Honhat por la inexistencia de estudios previos de impacto ambiental. Incluso la Corte de Justicia de la Provincia de Salta no hizo lugar al recurso de amparo en defensa del medio ambiente presentado por esta organización. Para hacer oír su voz en agosto más de mil indígenas de la zona, entre hombres, mujeres y niños ocuparon pacíficamente el puente. Reclamaban dialogar con el gobernador de la provincia para establecer los lineamientos de un decreto de entrega del título de propiedad de su territorio. Los planes de "desarrollo" impulsados por el gobierno anterior y continuados por el actual siguen amenazando la vida de indígenas y pobladores criollos, sin que los primeros hayan sido consultados (art. 75, inc. 17 Constitución Nacional). Se ha dicho que la comuni-

dad de Misión La Paz donde se encuentra el puente será en el futuro reemplazada por un asentamiento fronterizo con urbanizaciones proyectadas sobre las casas de las familias indígenas. Además, el gobierno planea construir rutas de acceso al puente sobre un área de cultivo de la comunidad, cedida por decreto provincial desde el año 1967, más las rutas que unirán este asentamiento con la ciudad de Tartagal. Todo esto es parte de un plan de desarrollo regional para unir Paraguay con Chile y Brasil y el Atlántico con el Pacífico, pasando por el norte argentino. Los indígenas afirman que el puente y los programas de "desarrollo" asociados, son una terrible amenaza para sus derechos a la propiedad de la tierra y para el medio ambiente. Por este motivo la Asociación de Comunidades Aborígenes Lhaka Honhat presentó un recurso de amparo ante la Justicia Provincial, la cual rechazó este recurso. Ante semejante actitud Lhaka Honhat acudió a la Corte Suprema de Justicia de la Nación presentando un recurso extraordinario de queja, que aún está en trámite. Lhaka Honhat denunció que las obras se han llevado a cabo sin un estudio previo del impacto que producirán en el medio ambiente chaqueño ya tan deteriorado y sin evaluación de los costos sociales que implicará, teniendo en cuenta a las poblaciones indígenas y no indígenas que allí viven.

El 16 de septiembre, luego de permanecer 23 días soportando hambre y frío, se levantó la medida de fuerza, ante la firma de un documento con el Ministro de Gobierno de la Provincia, por el que se compromete a dictar en el plazo de 30 días, el decreto pertinente que fije los lineamientos y pautas para la adjudicación definitiva de las tierras de los lotes fiscales (55 y 14) que contemple una distribución proporcional a los pobladores indígenas y no indígenas. También se obliga a que toda obra de urbanización y de acceso al puente se deberá efectuar con el debido consenso de las comunidades aborígenes afectadas. Pero una vez más el Estado no cumplió con lo que había firmado. Al día de hoy, vencido holgadamente el plazo, e incumplidos los compromisos gubernamentales, la provocación estatal continúa amenazando la paz social en la zona, pese a las advertencias hechas a las autoridades por miles de personas e instituciones en Argentina y fuera de ella, solidarias con los indígenas y su causa.

Mucho más al sur de la República, el pueblo *mapuche* sigue luchando por la restitución del territorio apropiado por el Estado Argentino en Pulmarí, actualmente bajo la administración de la

Corporación Interestadual. La Corporación administra 113.000 hectáreas que deben ser restituidas a los mapuche, pero que en gran medida han sido concesionadas a particulares por plazos que van desde los 25 a los 50 años, para explotaciones turísticas y forestales. En 1996 la *werken* Verónica Wilipán viajó a las Naciones Unidas para gestionar la intermediación de este organismo en defensa de los derechos desconocidos. En marzo se concretó la visita de un Comité Observador Internacional formado por parlamentarios europeos y belgas y diversas ONG como Médicos para el mundo (Francia) y Wiggs (Suiza). Como resultado, el Comité elaboró un informe dirigido a las autoridades del Estado Argentino y a los sectores involucrados en Pulmarí, denunciando las violaciones a los derechos indígenas y comprobando las denuncias de corrupción contra la Corporación Interestadual que hiciera el pueblo mapuche. El Defensor del Pueblo pidió a la Secretaría de Desarrollo Social que informe qué medidas va a adoptar en relación con las graves irregularidades detectadas en el manejo de la Corporación. La Corporación entregó en concesión terrenos para pasturas a algunas comunidades indígenas en perjuicio de otras. También se descubrió que dio concesiones a terceros de amplias extensiones de tierra sin planificación y sin un criterio uniforme en cuanto al cánon que se cobra a los adjudicatarios y que se habían cometido graves irregularidades en la administración. El pueblo mapuche, por su parte demandó que se anulen 92 contratos por los que se concesionan cerca de 20.000 hectáreas. Contrariamente a lo que debía esperarse, las concesiones aumentaron. Además se promovió entre los pobladores (indígenas) de Aluminé la ocupación compulsiva de algunos cuadros, con el propósito de generar enfrentamientos y debilitar la lucha indígena, mientras no se atienden las causas que originan el conflicto.

En el mes de julio, la Cámara Federal de Apelaciones no hizo lugar al recurso de amparo presentado por el Pueblo Mapuche y dictó el procesamiento de dos de sus *lonkos* (jefes) y dos *werkenes* (mensajeros) bajo el cargo de usurpación, ordenando el inmediato desalojo de los cuadros recuperados. Luego de muchas gestiones de varios organismos y organizaciones indígenas, tras permanecer en la cárcel durante varios días, los procesados fueron excarcelados. Con posterioridad a estos acontecimientos las organizaciones mapuche hacen gestiones ante el Instituto Nacional de Asuntos Indígenas, dependiente de la Secretaría de Desarrollo para que se forme una Comisión de Mediación entre los involucrados a fin de

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que se busquen las soluciones definitivas y se frene el atropello judicial contra los derechos indígenas. A pesar de las denuncias comprobadas y las acciones de algunos organismos del Estado, las provocaciones de la Corporación no frenan.

No es éste el único ataque que sufre el Pueblo Mapuche contra sus derechos territoriales. La contaminación de las tierras por el derrame de petróleo de la empresa YPF, afectando la cuenca del río Colorado y capas freáticas en la comunidad de Paynemil, donde viven 14 familias en un territorio de 4.500 has., compromete seriamente la salud de las familias, el ganado y el suelo.

Se sabe que los últimos análisis de sangre y orina realizados a los pobladores dan altos porcentajes de plomo y mercurio. No obstante, estos resultados se mantienen ocultos. La petrolera niega que los derrames sean la causa de la presencia del mercurio en la sangre. Aducen que los causantes son las empresas mineras que se encuentran río arriba. Cincuenta y cinco hectáreas del campamento petrolero ya son irrecuperables por la contaminación y se teme que la "pluma contaminante" abarque 200 hectáreas bajo la superficie. Desde 1994 la comunidad viene denunciando a la petrolera, intimándola a responder por los daños causados. Si bien el Subsecretario de Energía y Combustible expresó que hasta que no se reparen todas las cañerías YPF no tendrá la aprobación para reabrir sus pozos, la misma petrolera busca pactar individualmente con los pobladores mapuche la indemnización por cada animal perdido a causa del petróleo, en concepto de reparación del daño, mientras las familias siguen consumiendo agua contaminada.

En otra región del país, la persistente defensa que el pueblo *kolla* ha hecho de sus recursos naturales logró frenar la tala de árboles de su territorio en la provincia de Salta. Paradójicamente, fue la irracional desforestacion que estaba llevando adelante la empresa Finca Santiago Sociedad Anónima lo que provocó el desenlace final de una larga lucha. Las comunidades de Iruya (Cortaderas, Isla de Cañas, Volcán Higueras y Colanzulí) se pusieron firmes e impidieron que se siguiera sacando madera de especies valiosas como el cedro, nogal y jacarandá. Su actitud obligó al Estado Nacional a arbitrar los medios para resolver el conflicto. Se resolvió la expropiación sobre una superficie de 125.000 hectáreas, de las cuales apenas el 20% es aprovechable.

También en Orán, el pueblo kolla se planta decididamente ante el Estado provincial para reclamar la propiedad de su territorio.

Pero se encontró con un frente durísimo, tal vez el poder económico más fuerte de la provincia de Salta: el Ingenio San Martín de Tabacal. ¿Por qué más duro que Iruya? Mediante una gestión kolla el Estado Nacional dicta en 1993 una ley de expropiación por 19.000 has. Pero el territorio reivindicado por los kolla incluye una superficie de 79.000 has. de tierras altas de la finca San Andrés, donadas a las comunidades mediante decreto provincial 2845/86, aún pendiente de cumplimiento. Las tierras altas son de escasa sustentabilidad, sólo aprovechables durante el verano. El Ingenio pretendía efectivizar la donación a cambio de que los indígenas cedieran sus derechos sobre las tierras fértiles. En este contexto, los kolla decidieron gestionar ante el Estado Nacional la mencionada ley de expropiación para asegurar, al menos esta porción de territorio.

Pero, hoy enfrentan otro poder económico. La firma norteamericana Siboardt compró las acciones del Ingenio San Martín de Tabacal y ha usurpado las tierras altas. Con hostigamiento a las familias, robo de ganado y amenazas de muerte a los dirigentes, la multinacional quiere obligar a las comunidades a que abandonen su reivindicación. Sabedora del valor económico de las especies forestales y con total indiferencia por los derechos indígenas, quiere talar los últimos árboles que quedan en la ladera, con graves consecuencias para la vida futura de las comunidades, disminución de la fauna, y erosión de los suelos. Estos robos y actitudes provocadoras de la empresa han sido denunciados públicamente por las comunidades de San Andrés, Santa Cruz, Río Blanquito, Los Naranjos y El Angosto. Mientras tanto preparan una nueva movilización para hacer públicos estos delitos y reclamar justicia.

Por el momento, no se advierte en Argentina, que los organismos internacionales, agencias financieras y organizaciones no gubernamentales se estén convirtiendo en representantes de la actividad que las organizaciones indígenas llevan adelante, limitando en parte el papel que sus dirigentes deben cumplir. Sin embargo es frecuente su presencia en organismos del Estado a través de proyectos de diversa índole. Tal es el caso de un proyecto que comenzará a desarrollarse a fines de año subsidiado por el Banco Mundial y administrado por el Centro de Organizaciones Comunitarias, dependiente del Ejecutivo Nacional. Este proyecto ha sido visto por algunos indígenas como una iniciativa poco clara en la coyuntura, dado que algunos de sus objetivos y metodología se parecen bastante al Programa de Participación Indígena. Esto crea confusión y

división entre los pueblos indígenas porque, por un lado, es la Secretaría de Desarrollo Social de la Nación a través del Instituto Nacional de Asuntos Indígenas la que aporta los fondos para su implementación y, por el otro el mismo Instituto participa del proyecto del Banco Mundial como supervisor conjuntamente con el Centro de Organizaciones Comunitarias.

Hay que reconocer que en un nivel, la política del Estado Nacional hacia los pueblos indígenas ha virado en parte y está llevando a cabo esta tarea con mayor compromiso por el mejoramiento de las condiciones de vida de la gente. Sin embargo, no abandona su tradicional papel de tutor de los pueblos indígenas, restringiendo la participación directa que deberían tener a través de sus dirigentes y representantes. Un claro ejemplo de esto es que el Instituto Nacional de Asuntos Indígenas, que debía implementar la ley nacional 23302, no cumple con la obligación de integrar su dirección con indígenas.

Aún cuando se han hecho algunas entregas de títulos de propiedad a comunidades indígenas, el Ejecutivo Nacional despliega una política del espectáculo representando públicamente el interés oficial por "el indígena". Se montan grandes escenarios para la prensa para el anuncio de planes que se piensa implementar. Tal es el caso del acto del 26 de octubre en la localidad de Cushamen (provincia de Chubut), donde el Presidente Carlos S. Menem lanzó el Plan Nacional de Comunidades Aborígenes. Según lo anunciado, el gobierno explicó que "se medirán y escriturarán las tierras para que las comunidades ejerzan el derecho de propiedad comunitaria establecido por la Constitución Nacional de 1994". En un plazo de dos años se piensa completar la entrega de 250.000 hectáreas, cifra que en el futuro quieren aumentar a 1.500.000 hectáreas. Por el momento sólo se hace entrega de la posesión de la tierra, algo que los pueblos indígenas tienen ancestralmente, y esperan el título definitivo de propiedad. Lo cierto es que la política indigenista oficial está, por lo pronto, tomando a su cargo la gestión de los asuntos indígenas, aunque sin participación directa de los involucrados en la dirección del organismo estatal.

No es menos grave la situación de los derechos indígenas de quienes por variadas circunstancias tienen que vérselas con la anacrónica legislación penal.

Aún cuando la justicia penal regional reconoce el principio de tratar diferente al diferente, no hay ni herramientas legales ni medios materiales. De los pocos que reconocen el derecho de valor

diferente al diferente, aún cuando se sepa que el medio carcelario no es bajo ningún caso idóneo para la rehabilitación de nadie, lo es mucho menos aún para un miembro de la comunidad indígena que, por un lado no necesita rehabilitarse, porque en la mayoría de los casos, ninguno de ellos tiene lo que en lenguaje criminológico se llama "perfil delictivo"y segundo que tanto el proceso penal (detención preventiva) en donde debería regir el principio de inocencia cómo durante el cumplimiento de la pena privativa de la libertad, se produce un fenómeno todavía más grave que es el de la desculturalización. O sea, algunas pérdidas irreparables provocadas por la situación de encierro de las afiliaciones culturales.

También es frecuente la actitud discriminatoria de los jueces, supuestos garantes del respeto debido a los derechos constitucionales (civiles e indígenas). En 1991, 57 indígenas *toba* fueron transportados en un camión recolector y compactador de residuos propiedad de la Municipalidad de Clorinda (provincia de Formosa). En territorio de la provincia del Chaco, el camión volcó produciéndose la muerte de cinco indígenas y del chofer. La comunidad inicia un juicio de indemnización por daños y perjuicios contra la Municipalidad. Se accedió a los reclamos pero se fijó una mínima cifra. En 1996 la Municipalidad apela la sentencia y la Cámara de Apelaciones en un insólito fallo aduce que, si bien es cierto que el padre de una menor podría haber percibido de su hija (en el caso de no haberse producido su muerte), una eventual ayuda pecuniaria en el futuro, no es menos cierto que, por su parte, el padre se ha visto liberado de subvenir a las necesidades de la menor por la muerte de la misma. Por otra parte, en cuanto al monto fijado en concepto de daño moral, aduce que "teniendo en cuenta las circunstancias del caso, en especial la forma comunitaria en que se desenvuelve la vida de los aborígenes en que los lazos familiares no tienen las mismas connotaciones que en el resto de la comunidad local.", es excesivo el monto fijado considerando prudente reducirlo. Esta sentencia fue confirmada por el Superior Tribunal de Justicia de Formosa el 26-11-96.

URUGUAY

Introducción

Desde hace varios años actúan en Uruguay dos instituciones vinculadas al tema indigenista.

La Asociación de Descendientes de la Nación Charrúa (AdenCh) recupera la memoria oral-familiar de sus afiliados, coopera con las investigaciones de la Universidad de la República sobre indicadores genéticos en la población uruguaya y ha reclamado desde su fundación la repatriación de los restos de los *charrúas* enviados a Francia en 1832.

Este último reclamo tiene detrás una historia siniestra.

El Estado Uruguayo nació oficialmente en 1830 como fruto de la diplomacia británica y con el fin de dividir y debilitar las grandes federaciones independentistas sudamericanas. Anteriormente (1811-1820) el suelo uruguayo había sido testigo del nacimiento de una coalición de indios, negros y criollos humildes encabezada por Artigas, pero contra esta coalición se unieron, para derrotarla, los colonialistas y los independentistas de pensamiento liberal de las ciudades de la región, especialmente los de Buenos Aires. Uno de los primeros actos del Estado Uruguayo de 1830 es el genocidio indígena contra los charrúas. Después, por casi un siglo habrá una generosa política social para captar inmigrantes pobres, a condición de que sean europeos de piel clara.

En 1832, cuatro charrúas (tres hombres y una mujer embarazada) son enviados como prisioneros a Francia y exhibidos allí en un circo. Los "científicos" franceses estudian cómo la mujer da a luz una niña y analizan el papel de su compañero en el trabajo de parto. La mujer se deja morir al igual que otros dos charrúas (un médico y un cacique guerrero) y el compañero de la muerta huye en la ciudad de Lyon con la hijita en brazos, seguramente ayudado por manos francesas solidarias.

Mientras la mujer es enterrada en un osario común, el médico charrúa es embalsamado y del guerrero se conserva el esqueleto. La Asociación de Descendientes de la Nación Charrúa reclama la repatriación de estos restos, al igual que varios gobiernos departamentales (de municipios) y otras instituciones como el grupo "Sepé".

La otra institución indigenista es la Asociación Indigenista del Uruguay. Su objetivo principal es dar apoyo a los pequeños grupos de la etnia *Mbya-Guaraní* que habitan en zonas rurales del país, muy vinculados a grupos mayores que viven en provincias argentinas, en el Sur brasileño y en el Paraguay.

La Asociación Indigenista ha organizado además cursos de lengua guaraní y eventos de confraternización entre culturas amerindias, con participación de grupos tales como los estudiantes

mapuches de origen chileno que estudian en la Universidad de Montevideo.

Sin embargo, la mayor parte de descendientes de indígenas viven en el interior del país, integrados a los sectores más pobres de la sociedad y no están organizados como grupos independientes.

Existen también en Uruguay organizaciones afrouruguayas tanto en Montevideo como en varias ciudades del interior. La más conocida internacionalmente es Mundo Afro. En general, hay muchos más habitantes con ancestros indígenas y africanos de lo que se admitía hasta tiempos recientes.

Diciembre de 1996: tercer encuentro aborigenista

La ciudad de Tarariras, en el Dpto. de Colonia, es la sede de los encuentros anuales aborigenistas.

En la Plaza Principal de esta pequeña ciudad los jóvenes han construido un grupo escultórico que representa un inmenso nido de pájaro y en su interior una pareja indígena con un niño de pecho. La parte posterior del grupo escultórico es la pared del nido, y en ella se han esculpido en sobre-relieve algunos ejemplares típicos de la flora y fauna nativa.

Por delante hay un pedestal que dice: "señores de este suelo/ amigos de Artigas/ ¿Dónde están?/ ¿Dónde?" y se ha sembrado un conjunto de árboles nativos.

En el tercer Encuentro se resolvió que el 11 de abril de 1997 (un nuevo aniversario de la masacre indígena) debería hacerse un homenaje a los indígenas con toda la difusión posible a nivel nacional.

Importa recordar las condiciones históricas en las que se llevó a cabo el genocidio contra los charrúas.

Esta etnia vivió en una tierra de colonización tardía, manteniendo intacta su forma de vida hasta pleno siglo XIX. Participó en la coalición indo-afro-criolla de Artigas y después de la independencia uruguaya reclamaba los derechos que la antigua federación le había reconocido.

El estado uruguayo liberal decidió exterminar esta cultura. Mediante engaños, el Presidente llamó a los charrúas para negociar a orillas del río Salsipuedes, así llamado por sus célebres inundaciones. Se impuso a los charrúas como condición que llevaran sus familias para lo que sería una reconciliación nacional.

El 11 de abril de 1832 fue la masacre. El día siguiente eran capturadas las últimas mujeres y conducidas con sus hijos pequeños a Montevideo. Los niños fueron arrancados de los brazos de sus

madres y repartidos entre las familias acomodadas, para que les hicieran olvidar su cultura originaria.

Los charrúas supervivientes, encabezados por Sepé, libraron su último combate el año siguiente, matando al sobrino-hermano del presidente genocida.

Es de destacar que este tercer encuentro aborigenista donde se acordó la conmemoración de estos hechos históricos no se llevó a cabo en la misma ciudad de Tarariras sino en un paraje distante de allí unos 20 km, sitio que hace 200 años fue santuario de las culturas charrúa y *minuán*.

Considerando que desde varios años atrás la ADENCH hace cada 11 de abril una convocatoria pública ante el monumento a los últimos charrúas en Montevideo, se resolvió acompañar a la ADENCH ese día y el sábado 12 hacer el homenaje nacional simultáneamente en varios puntos del país.

Otro tema que fue objeto de análisis en ese Tercer Encuentro fue la situación del ciudadano uruguayo descendiente indígena Juan Carlos Borgogno y su familia. Los hijos del matrimonio Borgogno habían sido expulsados de la escuela pública local por la negativa de sus padres a aceptar la vacunación. El Encuentro Aborigenista, respetando las diferencias en cuanto a las opciones culturales, se solidarizó con esta familia y se acordó dar difusión internacional a este problema. Desgraciadamente, la familia Borgogno tuvo que optar finalmente por radicarse en la Argentina (de donde es oriunda la madre) pues existía orden judicial de vacunar a los niños por la fuerza.

1997: nace el grupo Sepé

En el marco de las recomendaciones del Tercer Encuentro Aborigenista, jóvenes de localidades cercanas a la capital resolvieron trasladarse el 12 de abril al lugar de los trágicos acontecimientos de 1832.

Algunas personas ya habíamos visitado los solitarios parajes que rodean al río Salsipuedes y seleccionamos un lugar para acampar.

La propuesta despertó tal interés que en la madrugada del 12 de abril salieron 4 ómnibus de Montevideo y dos de otras ciudades del interior para converger en el Salsipuedes. Muchos automóviles y bicicletas de ciudades y pueblos próximos llegaron también, convocados por radio y TV locales, quienes habían dado lectura a una proclama del grupo organizador.

Por razones de seguridad, el encuentro se hizo en un punto aguas abajo del lugar de la emboscada; más exactamente estuvimos al

lado del bosque nativo donde hallaron refugio las últimas mujeres charrúas en 1832.

La gente fue formando pequeños grupos a lo largo de la margen derecha del río, diseminada entre la densa vegetación. Se compartió la comida, se puso en común la información histórica y se hizo un homenaje en un marco de profunda emoción y recogimiento a todos aquellos indígenas artiguistas caídos en Salsipuedes. Fue una jornada calurosa, con mucho Sol.

-Mi hijo va a poder decir un día: yo me bañé en el Salsipuedes- comentaba una joven mujer montevideana, mientras contemplaba sonriente al grupo de niños, hasta ayer desconocidos entre sí, que ahora se salpicaban riendo en las orillas del manso río.

Decenas de descendientes charrúas participaron en la jornada, así como vecinos del lugar profundamente conocedores del paisaje y su historia por tradición oral. La gente tuvo el privilegio de escucharlos directamente, sin la mediación del experto.

Al caer la tarde, en la cercana ciudad de Paso de los Toros, una periodista de la televisión preguntó a los organizadores:

-Contamos hasta 500 personas en el Salsipuedes, muchas de ellas montevideanas; pero no quedó un sólo papel, no quedó un sólo envase de plástico. ¿Qué clase de gente son ustedes?

En el auditorio de la pequeña pero histórica ciudad, donde hace tres años la firme resolución de su pueblo impidió la construcción de una Central Atómica, habló un representante de cada pequeño fogón, y cada uno informó lo que habían vivido ese día; todos se expresaban con la voz entrecortada por la emoción.

Quizás lo que hizo tan inolvidable la jornada fue el hechizo de un paraje que aún conserva una naturaleza virginal, impactando sobre gente urbana que no había experimentado en su mayoría hasta ese día un contacto tan intenso. O quizás hubo algo más, algo intraducible.

Lo cierto es que cuando volvimos a Montevideo supimos sin decirnos que el grupo no se disolvería.

Hoy el grupo se llama Sepé que es el nombre de muchos caciques charrúas y guaraníes, pero es en particular el nombre del último cacique charrúa que un año después de Salsipuedes enfrentó y derrotó a un grupo de soldados encabezados por el hermano-sobrino del Presidente.

El grupo Sepé está trabajando en varias direcciones: por la Repatriación de los restos que aún están en París, por la revisión de la Historia Nacional, por la publicación de materiales para niños

contando la verdadera historia del país, y por el estudio permanente de temas vinculados con nuestras raíces indígenas, afro y europeas.

Estamos en contacto con las organizaciones indigenistas y afrouruguayas, con grupos de investigadores, con representantes gubernamentales de varias municipalidades, con ONGs ambientalistas y con mucha gente que se preocupa por estos temas y nos acompaña en nuestras propuestas.

No cuenta el grupo con financiamiento ni con autoridades permanentes. Nuestros caciques y nuestros chamanes surgen cuando hay necesidad de ellos y sólo por el tiempo que son necesarios, que siempre es un período breve.

Y comienza una etapa de contactos con otras organizaciones de la región latinoamericana.

Pensamos que estamos contribuyendo a construir un espejo de identidad para las nuevas generaciones, en un mundo alienado por falsas imágenes. Creemos que es un paso que hace más viable el futuro para un país pequeño como el nuestro.

CHILE

El progreso y desarrollo han sido temas de debate en muchos círculos, políticos, religiosos y económicos en Chile, sin embargo cuando se pretende involucrar a los pueblos indígenas, en la mayoría de las casos es simplemente para proponer expropiaciones e integraciones forzadas y sin ninguna discusión propia y autónoma de los involucrados. De esta manera una de los mega proyectos eléctricos más grandes realizados en Chile como es la posible construcción de la Central Ralco (a cargo de la Empresa Nacional de Electricidad ENDESA), en la zona del mismo nombre, Octava Región del País pretende inundar una vasto territorio y despojar a familias *mapuche pewenche* de lo único que les mantiene apegado a sus tradiciones y que le da la identidad e integridad de Pueblo: su Tierra.

El tenor de la discusión se ha dado a espalda de los afectados convirtiéndose en una lucha de intereses económicos de los cuales los hermanos mapuche pewenche no son partícipes, existen una serie de sectores que se oponen a este proyecto aludiendo equilibrios ecológicos y otros argumentos, pero para el pueblo mapuche esto es un atentado directo a la cultura, tradiciones y existencia y lo demás es intrínseco a este planteamiento, es importante señalar

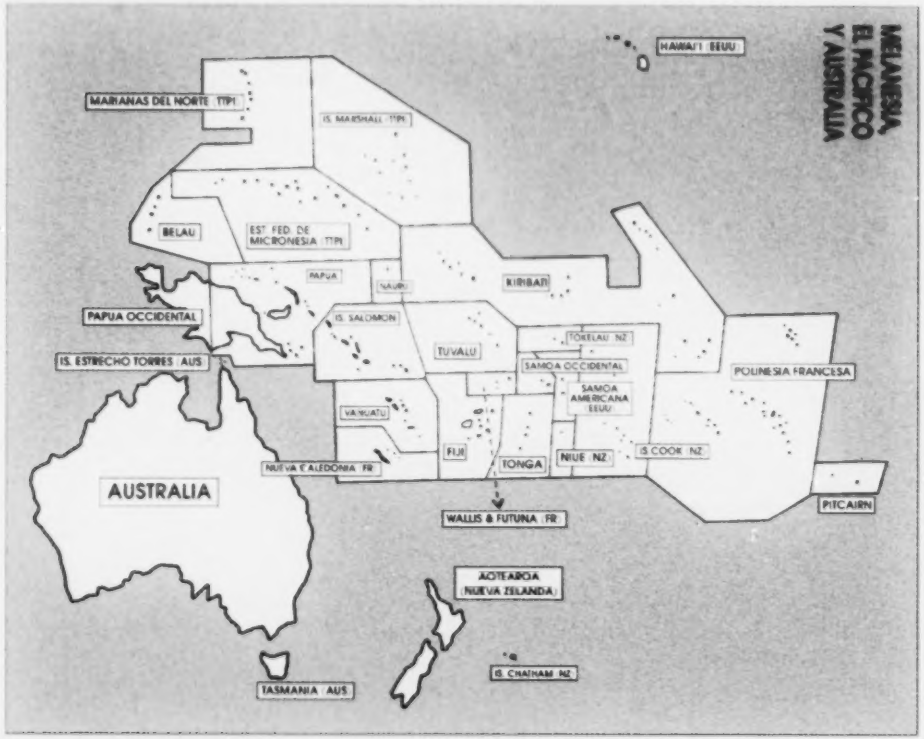
que la visión del universo de nuestra cultura descansa en elementos superiores y que no se puede separar la existencia del hombre y del medio ambiente, por el contrario la búsqueda del justo equilibrio en interacciones mutuas es lo que define todas las acciones del ser humano. En este contexto el Pueblo Mapuche no se opone al progreso ni desarrollo siempre y cuando nuestra conceptualización sea coherente y consecuente con los principios señalados.

Desde tiempos de la colonización de Chile se ha obligado al mapuche a refugiarse en terrenos de difícil acceso, y todas las políticas estatales han creado una situación de marginalidad, sin embargo hoy aparecen algunos personeros anunciando progreso para todos y una integración, que por lo mencionado anteriormente, lo único que provoca es una nueva situación de hacinamiento y migración forzada, el llamado progreso es para las grandes empresas y en ningún caso para los habitantes de las regiones afectadas. El caso de la Carretera alternativa a la ciudad de Temuco, proyecto denominado By Pass, es otro ejemplo claro de las situaciones descritas anteriormente, se alude que un proyecto de esta envergadura creará fuentes de empleos y de nuevo la palabra recurrente "desarrollo".

Cronológicamente todas las iniciativas de esta envergadura han perjudicado seriamente a las comunidades mapuche, no existe ningún ejemplo que contradiga esta afirmación. Se ha expropiado terreno y con el pasar de los años se han desarrollado estrategias para ir despojando a los comuneros de sus tierras, es por ello que en los límites de cada camino principal de la octava, novena y décima región de Chile no existen comunidades mapuche.

En este mismo contexto y dinámica se usa las instituciones creadas para administrar las políticas estatales hacia los pueblos indígenas, la CONADI (Corporación Nacional de Desarrollo Indígena) institución nacida por la presión de muchas organizaciones en el momento que Chile se encaminó hacia un régimen menos autoritario, ha sido una campo de batalla de partidos políticos, confundiendo y desorientado a nuestros hermanos, se han designado autoridades sin ninguna consulta y recientemente, dado las posiciones respecto a los proyectos señalados de algunos consejeros, se decidió cambiar a los directivos, maniobra distractora y que pretende neutralizar todo intento de hacer prevalecer los derechos del pueblo mapuche que vía la oficialidad han buscado algunos dirigentes.

Hoy día las organizaciones mapuche hemos levantado la voz para reclamar estas agresiones y se ha exigido al gobierno Chileno que se muestre consecuente con los planteamientos que a menudo sus representantes anuncian en los foros y reuniones Internacionales sosteniendo una imagen de respeto a los principios básicos de convivencia y armonía con los derechos humanos, estamos seguros que el pueblo mapuche será capaz de contrarrestar y superar con éxito este momento en que las políticas inspiradas en un mercado cruel y despiadado han segado la mente de dirigentes políticos y gobernantes que pretenden vender, expropiar y reducir a su mínima expresión aquello que le da la razón de existencia al ser humano, su identidad y el derecho a estar presente y ser artífice de su propio desarrollo siguiendo los patrones y valores que su cultura le ha entregado.



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EL PACÍFICO Y AUSTRALIA

EL PACÍFICO

La región del Pacífico cubre alrededor de un tercio del área del planeta. La masa de tierra comprendida es de menos de 100.000 km2, sin incluir a Australia, la isla de Nueva Guinea, Hawai'i y Aotearoa (Nueva Zelanda). Incluyendo las doscientas millas de Zonas Económicas Exclusivas autorizadas por el Convenio de Derechos del Mar de las Naciones Unidas de 1982, sin embargo, las naciones de la región, de hecho (en el papel) controlan el uso y la conservación de todos los recursos dentro de una parte substancial de la superficie de la Tierra. En el Pacífico viven unas 2,5 millones de personas, no contando las poblaciones de Nueva Guinea (Papúa Nueva Guinea (PNG) 4,4 millones y Papúa Occidental 1 millón), Hawai'i (1,1 millones), Aotearoa (3,2 millones) y Australia (15 millones). La mayoría de las poblaciones de los estados dentro del área son indígenas, excepto Kanaky (Nueva Caledonia (43% indígenas), Fiji (46% indígenas), Guam (42% *chamoru*) Hawai'i (20% *kānaka maoli*, indígenas hawaiianos, Aotearoa (15% *māori*) y Australia (2% *aborígenes*). En Te Ao Maohi (Polinesia Francesa), el 70% de la población son indígenas *maohi*.

La inmigración de los últimos siglos ha dado forma a las naciones del Pacífico de hoy, pero la emigración ha sido y lo es todavía, también un factor importante. La tradición viajera de los pueblos de las islas del Pacífico ha ganado ímpetu con las nuevas formas de comunicación y las experiencias de sometimiento político y dependencia económica. La emigración, especialmente de los estados libres asociados y de otros estados dependientes es de proporciones importantes. Incluso en algunos de los estados constitucionalmente independientes, fundamentalmente las naciones polinesias, grandes cantidades de nativos han emigrado a los países de sus anteriores poderes coloniales o a otras islas del Pacífico. Más de dos tercios de la población de Sāmoa Americana vive ahora en Hawai'i y en la costa oeste de los Estados Unidos. Cerca de un tercio de los kānaka maoli de Hawai'i viven fuera de Hawai'i, más de un tercio de los *tonganos* han emigrado, y más de la mitad de la población

de los territorios antiguos y actuales neocelandeses de Tokelau, Niue e Islas Cook, vive en el extranjero.

La situación de los pueblos y naciones indígenas - y la descolonización

Los primeros pueblos del Pacífico se consideran a sí mismos como indígenas en sus tierras. Reconocen formas y valores culturales que los unen. Por lo tanto, por autodefinición, son indígenas. Pero sólo algunos de estos pueblos son reconocidos como indígenas por la comunidad internacional o los poderes extranjeros que gobiernan sus territorios.

El gobierno de los Estados Unidos parece considerar que "sus" pueblos indígenas del Pacífico incluyen a los chamoru, los *sāmoanos* americanos y los kānaka maoli. Estos fueron los oradores invitados a una audiencia pública en Honolulú sobre la Declaración Preliminar de los Derechos de Los Pueblos Indígenas de las Naciones Unidas. También estaban presentes representantes de los pueblos micronesios, quienes se consideran indígenas.

Los māori de Aotearoa, los kānaka maoli de Hawai'i y los aborígenes e *isleños del Estrecho Torres* de Australia son usualmente identificados como pueblos indígenas - pueblos del cuarto mundo en países del primer mundo. También los maohi de Te Ao Mahoi pertenecen a esta categoría.

Los *kanak* de Kanaky (Nueva Caledonia), los pueblos de Timor Oriental y los de Tokelau son - junto con los chamoru y s moanos americanos- considerados indígenas en el foro internacional. Estos son pueblos que pertenecen a naciones listadas en la lista de las Naciones Unidas de territorios que no se gobiernan a sí mismos, detentando el derecho a la descolonización mediante un proceso activamente apoyado por los poderes administrantes y supervisado por el Comité de Descolonización de las Naciones Unidas (el llamado "Comité de los 24").

El año 1998 no sólo es un año importante para las colonias francesas. También será el año del centenario del colonialismo oficial de los Estados Unidos. Los pueblos de las naciones isleñas de Guam, Hawai'i, Sāmoa, las Filipinas, Puerto Rico, y Cuba están preparando acciones en todas las naciones isleñas para elevar la consciencia sobre la situación de los pueblos indígenas y para acelerar el proceso de descolonización.

Mientras que el movimiento por un Pacífico Libre de Materiales Nucleares e Independiente en su Conferencia de Suva, Fiji, en diciembre de 1996, resolvió trabajar por una reinscripción de Tahiti-nui, Papúa Occidental y Hawai'i en la lista de territorios que no se gobiernan a sí mismos, poderosas fuerzas entre los estados miembros de las Naeiones

La pesca de subsistencia en Pacífico experimenta una creciente presión a causa de la degradación ambiental y la pesca comercial a gran escala (Tuvalu, Pacífico Sur). (Foto: Palle Kjirulff-Schmidt)

Unidas (incluyendo a los EE.UU. y Francia) han estado tratando de eliminar al Comité - sin éxito, por ahora. La Asamblea General de las Naciones Unidas votó en marzo de 1997 dejar que el comité continúe otro año, el séptimo año de lo que se llama el Decenio para Erradicar al Colonialismo (1990-2000). El apoyo de los Estados Unidos a la disolución del Comité fue severamente criticado por el delegado de Guam al Congreso de los Estados Unidos. La misión estadounidense trató supuestamente de eliminar la mención del derecho de los chamoru a la autodeterminación de las resoluciones del Comité. Guam es un Territorio de los EE.UU., cuyo gobierno está negociando un estatus de Mancomunidad, mientras que el Congreso se mueve muy lentamente en la materia y los movimientos indígenas de Guam están considerando un abanico de posibles formas de autodeterminación. Uno de los grupos, la Nación Chamoru, está ahora representado en el Senado de Guam por el Senador Ángel Santos.

IWGIA, que está en el proceso de fortalecer sus relaciones en el Pacífico para aumentar la comunicación entre los pueblos indígenas y las ONGs y para documentar y divulgar información sobre su situación, tiene una amplia y abierta definición de pueblos indígenas. Pueblos indígenas son pueblos que típicamente cumplen con uno o más de los siguientes criterios: tienen fuertes lazos con la tierra; han vivido en sus tierras desde antes de la colonización, pero hoy están social, cultural o lingüísticamente marginados; son culturalmente diferenciados de otros pueblos; habitan regiones marginales (frecuentemente áreas ricas en recursos de una importancia ecológica substancial); son o han sido dominados por otros pueblos que controlan el poder político y económico, y -lo más importante- se identifican ellos mismos como pueblos indígenas. El hecho de que un cierto pueblo desee o necesite el apoyo de IWGIA en su lucha por la autodeterminación, otros derechos humanos o mejores condiciones de vida, depende de la naturaleza de los problemas y dificultades que los mismos pueblos perciben.

Muchos otros pueblos del Pacífico que son reconocidos por las autoridades internacionales, se consideran indígenas a sí mismos. Cada uno de los nuevos estados melanesios consiste de varios grupos diferenciados cultural y lingüísticamente, algunos que no están interesados en formar parte de un estado nacional "moderno" en el cual las fronteras han sido definidas por la historia colonial y por los líderes políticos, generalmente provienen de unas pocas familias o grupos específicos - entrenados en el gobierno centralizado por los poderes coloniales en retirada. Algunos ejemplos son los pueblos de Santo y Tanna en Vanuatu y los *bougainvilleanos* de la Provincia de Salomón Norte de Papúa Nueva Guinea.

En Micronesia y Polinesia, algunos de los pequeños estados nacionales isleños, supuestamente independientes, comprenden también varios pueblos. La situación se complica aún más por el hecho de que a nivel del estado nacional también están colonizados de una nueva forma. El sometimiento político y militar por parte de fuerzas foráneas ha sido reemplazado por la dependencia económica de los ex poderes coloniales, las corporaciones internacionales, bancos multinacionales o agencias de desarrollo - los sistemas globales de comercio y de explotación de recursos están estableciendo límites a las opciones de estos pueblos para decidir su propia forma de gobierno o desarrollo. Los primeros pueblos (generalmente en mayoría en los nuevos estados nacionales) están sólo nominalmente en control de sus propias vidas, y siguen sufriendo una tremenda degradación social y cultural, la explotación de recursos y la destrucción ambiental -incluyendo la antes mencionada monumental emigración.

Tokelau

Tokelau está actualmente preparándose constitucionalmente para "un acto de autodeterminación" bajo la protección de la ONU. La población de 1.600 personas, fundamentalmente dependiente de la producción de subsistencia, cocos, pesca y ayuda, está probablemente a favor de algún tipo de continuación de la asociación con Nueva Zelanda, quizá algo en la línea de lo que el Director de la Comisión de Derecho de Nueva Zelanda sugirió para pequeños estados isleños: "autonomía sustentada". Hasta la iniciación, en 1976, de las misiones investigadoras de la ONU, los *tokelauanos* no se consideraban realmente colonizados: *"esto era algo nuevo para nosotros porque siempre creímos que éramos políticamente autónomos aunque fuéramos una colonia de Nueva Zelanda"* (Declaración de un tokelauano al Comité para la Descolonización de las Naciones Unidas, en 1987, citado de Ingjerd Ho Um: A Sense of Place, 1995:42). Excepto por un creciente sector público y una infraestructura hacia donde se dirige mucho de la ayuda monetaria, la vida no ha cambiado mucho en las islas, en las cuales el Consejo de Ancianos todavía tiene la autoridad política. Esto podría explicar el sentimiento de autonomía.

Kanaky

El territorio francés de ultramar de Nueva Caledonia es considerado una colonia por los pueblos indígenas. Se autodenominan *kanak* y a su territorio lo denominan Kanaky. Después de años de lucha y trabajo de "lobby", en 1986 la ONU reafirmó el derecho de Kanaky a la autodeter-

minación y reinscribió a la nación en la lista de los territorios que no se gobiernan a sí mismos. Esta decisión no finalizó la lucha por la autodeterminación.

En 1988 se realizó el Acuerdo de Matignon entre el gobierno francés y el Frente de Liberación Nacional Kanak Socialista (FLNKS), y el partido anti-independentista, "Rassemblement Pour la Caledonie dans la République" (RPCR). Según el acuerdo, el pueblo de Kanaky celebrará un referéndum en 1998 para determinar si permanece dentro de Francia o accede a la independencia. Cuándo y cómo no queda claro todavía. El FLNKS ha sugerido que Kanaky se independice en 1998 con un período de posterior de transición de 3 años, mientras que el PRCR sugirió disponer primero de un "pacto de paz y desarrollo" de treinta años, y el gobierno francés sugirió la autonomía dentro de Francia. Los kanak constituyen una minoría dentro de su propio país a causa de la intensa inmigración francesa y franco-polinesia y será, por lo tanto, una minoría electoral en el referéndum de 1998. La forma electoral actualmente implementada significa que los kanak perderán el referéndum en 1998. La experiencia y el ejemplo de Kanaky es algo a considerar por otros pueblos que buscan la reinscripción en la lista de la ONU de territorios que no se gobiernan a sí mismos - es sólo un comienzo.

Una parte del Acuerdo de Matignon subrayó la importancia de usar los diez años de 1988 a 1998 para mejorar la situación social, económica y política de los kanak, y el FLNKS considera que el control local sobre la industria minera del níquel es una condición previa para la autodeterminación política. Están planeando una empresa conjunta con una compañía canadiense para una fundición de níquel e infraestructura en las Provincias del Norte, pero las tratativas están siendo bloqueadas por una compañía francesa (con intereses gubernamentales) - aunque el gobierno francés ha dado su consentimiento.

Bougainville

Muchos *bougainvilleanos* se consideran colonizados por el gobierno de Papúa Nueva Guinea y para ellos la independencia es una solución lógica. Incluso antes de la independencia de PNG en 1975, ya existía un sentimiento generalizado de que Bougainville debería ser o bien independiente o formar parte de las Islas Salomón. Pero PNG tiene fuertes intereses en Bougainville a causa de los ricos depósitos de cobre y las rentables operaciones mineras en Panguna. Hace nueve años, las violaciones de los derechos humanos y los destructivos efectos ambientales y sociales del gran proyecto minero se había hecho manifiestos y los habitan-

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tes de Bougainville finalmente se organización en el Ejército Revolucionario de Bougainville (BRA) para protestar contra la explotación y la destrucción del medio ambiente en torno a la mina de cobre Panguna. Esta situación evolucionó en una guerra de guerrillas entre PNG y el BRA. Más de mil personas han resultado muertas desde 1988.

A comienzos de 1997, el gobierno de Papúa Nueva Guinea trató de "resolver el conflicto" y asegurar a Bougainville Copper Ltd. y a sus operaciones mineras para PNG, contratando a setenta mercenarios a través de "Sandline International", que se describe a sí misma como una compañía "especializada en servicios militares y de seguridad de naturaleza operacional, de entrenamiento y de apoyo, particularmente en situaciones de conflicto interno y sólo para, y a nombre de, gobiernos reconocidos, de acuerdo a las doctrinas internacionales y de conformidad con la Convención de Ginebra" (citado del contrato entre Sandline y el gobierno de PNG, firmado el 31 de enero de 1997).

Sandline es una compañía transnacional. Su sede central está en Londres y los mercenarios empleados provienen de Sudáfrica, Etiopía, Gran Bretaña y cualquier otra parte. El director ejecutivo de Sandline es un ex soldado de las fuerzas de paz (!) de las Naciones Unidas en Bosnia, lo cual podría explicar el lenguaje de la antes mencionada autodescripción de la compañía.

Según el contrato, PNG "inmersa en un estado de conflicto con el ilegal y no reconocido Ejército Revolucionario de Bougainville (BRA, requiere [...] pericia militar externa para apoyar a sus Fuerzas Armadas en la protección de su estado Soberano y para recuperar el control sobre el importante patrimonio nacional, específicamente la mina Panguna" (íbid.). Por un pago de 36 millones de dólares, los mercenarios de Sandline debían usar su capacidad y su arsenal destructivo contra los bougainvilleanos. Entre otras operaciones militares, como entrenamiento de las fuerzas de PNG, servicios de inteligencia, y seguimiento, los mercenarios debían conducir operaciones ofensivas en Bougainville por un período inicial máximo de tres meses o "hasta el logro del objetivo principal, hacer inefectivo militarmente al BRA, lo que antes se logre" (ibíd.).

Cuando el comandante del ejército de PNG, Jerry Singiok reveló los planes, con los cuales estaba en suma discrepancia, ocasionó levantamientos y una importante crisis en PNG. El Primer Ministro Julius Chan y otros implicados en la asombrosa empresa fueron forzados a renunciar en marzo de 1997, el contrato fue suspendido, y los mercenarios fueron expulsados.

La crisis parece haber reforzado la fuerte desconfianza local sobre el gobierno central de PNG. Los conflictos entre diferentes pueblos y movimientos político-religiosos fueron expuestos, y algunos fuera de la capital expresaron temor de que el gobierno podría enviar tropas contra ellos, si se resistían a la explotación maderera o a otros proyectos que gozan de la complicidad del gobierno. Los servicios mercenarios de la compañía de negocios transnacional es un ejemplo de otra fuerza global que los pueblos indígenas deben considerar, un tipo de "contraparte" (ver abajo). En las Naciones Unidas, IWGIA ha apoyado consecuentemente a los bougainvilleanos y ha patrocinado intervenciones relativas a las violaciones de los derechos humanos en su territorio.

Kānaka maoli

La soberanía indígena hawaiiana fue el tema más importante de 1996 y hubo un importante debate público sobre las cuestiones de los derechos indígenas y el estatus de los *kānaka maoli*. La iniciativa del estado de Hawai'i de crear un convenio constitucional para formar un "gobierno Nativo Hawaiiano" fue impulsada por el actual "voto Nativo Hawaiiano" que tuvo lugar en julio-agosto de 1996. El plebiscito sobre la cuestión, "¿Podrán los hawaiianos elegir delegados para proponer un Gobierno Nativo Hawaiiano?" fue organizado por el "Consejo Hawaiiano para las Elecciones sobre la Soberanía" del estado de Hawai'i, el cual fue disuelto a continuación, pero renació como la organización "privada", Hā Hawai'i.

Se estima que hay unas 300.000 personas de ascendencia kānaka maoli en todo el mundo. Se enviaron unas 85.000 tarjetas electorales postales (algunos a no-kānaka maoli). Menos del cuarenta por ciento envió sus votos: 22.294 votaron "sí", 8.129 "no". La gente que no votó o votó "no" lo hizo por una amplia gama de diferentes razones. La mayoría no solicitó una tarjeta electoral. Algunos no querían ningún tipo de "Gobierno Nativo Hawaiiano", y muchos estaban confusos sobre el propósito y las implicaciones de la votación. Una parte importante de los simpatizantes de los derechos humanos y del derecho a la autodeterminación boicotearon el voto porque rechazaron la idea de que fuera una iniciativa estatal, y porque el voto no cumplía con las normas internacionales de un plebiscito para decidir el futuro estatus político de un pueblo en un proceso pacífico de descolonización. El Voto Nativo Hawaiiano puede ser malinterpretado como la voluntad del pueblo kānaka maoli y se teme que resultará en el reconocimiento de un gobierno para los Nativos Hawaiianos, constituido de representantes de agencias estatales y corporaciones vinculadas a las mismas.

Reuniones posteriores entre líderes kānaka maoli, activistas y la HSEC/Hā Hawai'i en diciembre de 1996 y febrero de 1997 para obtener un consenso relativo a la convención constitucional para una nación hawaiiana demostraron confusión y una oposición substancial al proceso. Una amplia gama de grupos han participado en una iniciativa para crear un proceso popular opuesto al proceso estatal. Pero los legisladores del estado están preparando ahora una "Convención Constitucional Hawaiiana" a ser organizada por Hā Hawai'i constituida por miembros del ex Consejo para las Elecciones sobre la Soberanía. Con un mandato de sólo el 7,4% del pueblo kānaka maoli, el estado y sus organizaciones están continuando el proceso. Esto probablemente tiene mucho que ver con la situación del control de la tierra en Hawai'i.

Parece que el Departamento de Asuntos Hawaiianos del estado (el "Departamento de Asuntos Indígenas" hawaiiano) y Hā Hawai'i están en situación de crear un gobierno Nativo Hawaiiano, aparentemente con una base territorial de 200.000 acres ya reservadas como Territorio Hawaiiano y en la isla de Kaho'olawe, que sirvió como blanco para bombardeos del ejército de los EE.UU. de 1941 a 1992 y fue devuelta al pueblo hawaiiano. En contraste con ésto, algunos grupos kānaka maoli reivindican todo el Ka Pae'āina, el archipiélago hawaiiano, y están trabajando por una reinscripción de Hawai'i en la lista de territorios que no disponen de gobierno propio de las Naciones Unidas, de la cual fue retirada después del voto sobre la nacionalidad en 1959, que tampoco siguió las normas internacionales, tal como lo admitió el Congreso de los EE.UU. en la "Ley de Disculpa" de 1993. Otros grupos -y algunos de los anteriores como paso hacia la autodeterminación para los kānaka maoli- están reivindicando todas o partes de las llamadas "tierras cedidas". Estos 1,4 millones de acres (más de un tercio del Estado de Hawai'i y el 95% de las tierras estatales) son "tierras públicas", que el "gobierno Provisorio" ilegal "cedió" en 1848 a los Estados Unidos. Cuando Hawai'i se convirtió en un estado en 1959, estas tierras fueron devueltas al Estado de Hawai'i y de acuerdo a la Ley de Admisiones, como un "trust" para los kānaka maoli, entre otros.

Si los kānaka maoli tomaran el control de hecho sobre estas tierras, un abogado indígena estimó que serían el pueblo indígena más rico del mundo. En las tierras cedidas hay aeropuertos, el principal "campus" de la Universidad de Hawai'i y muchas otras estructuras generadoras de ingresos. De acuerdo a la legislación basada en la Ley de Admisiones, el Departamento de Asuntos Hawaiianos tiene derecho al 20% de los ingresos de estas tierras. La legislatura estatal está tratando ahora de

evitar de pagar la totalidad de la suma, aunque las sentencias de corte han confirmado la reivindicación de OHA. Incluso fuertes críticas de OHA están oponiéndose a las reducciones propuestas.

Los kānaka maoli sienten que a diario tienen que asistir a ataques a sus derechos y amenazas dirigidas a destruir su medio ambiente. 1996/97 ha contemplado una creciente consciencia, resistencia y contra-actividad para impedir el "desarrollo" descontrolado de las islas. Al mismo tiempo, la crisis económica golpea más fuerte a los grupos más pobres: los cortes en la ayuda social y el aumento de la cuota para pagar la educación en la Universidad dificultaron mucho más la vida a muchas familias kānaka maoli. Existen ejemplos de legislaciones propuestas para mejorar la situación de los kānaka maoli que en realidad ocultaban una disfrazada reducción de los derechos indígenas. Una ley federal de vivienda trató de imponer una división de los kānaka maoli que puedan probar "el cincuenta por ciento de sangre hawaiiana" y otros que no pueden, al mismo tiempo que -como una anotación al margen- categoriza a los kānaka maoli como "nativos americanos". Si bien esto era un objetivo para los kānaka maoli en los años 70, veinte años de lucha indígena y cooperación con los indios americanos les ha enseñado que ese no es el modo de mejorar las condiciones de vida del pueblo o para obtener la autodeterminación.

Globalización, racismo ambiental y ayuda regional

"No podemos discutir el medio ambiente sin contemplar la globalización económica (GATT, APEC) que impulsa la agenda... Necesitamos concentrarnos en las nuevas formas de colonialismo" (cita de la Conferencia por un Pacífico Libre de Materiales Nucleares e Independiente en Suva, Fiji, dic. 1996, de Pacific News Bulletin, diciembre 1996:12).

Los pueblos del "cuarto mundo" han sido forzados a relacionarse con el estado(s) dentro del cual viven - ya sean los llamados países del primer, segundo o tercer mundo. Pero durante los años 90 quedó cada vez más claro que otras "contrapartes" reales (el término usado por las Naciones Unidas sobre los estados nacionales en relación a los pueblos indígenas con respecto al Decenio Internacional para los Pueblos Indígenas del Mundo, 1994-2004) no son necesariamente los estados coloniales o poscoloniales dentro de los cuales viven los pueblos indígenas, o acostumbraban a hacerlo. "Contrapartes" completamente diferentes estructuralmente se han convertido en importantes redes internacionales de comercio y contrapartes de los acuerdos (como GATT, NAFTA, y el Convenio Europeo, el Tratado de Asistencia y Comercio, etc.), corpora-

ciones multinacionales, bancos, grupos de interés, organizaciones internacionales, otros estados nacionales, e incluso soldados profesionales como los antes mencionados. Todos ellos tienen interés en las tierras, recursos y conocimientos indígenas. Así, aunque los estados nacionales puedan estar descolonizando, se intensifica la colonización de otro tipo. La agenda global está siendo establecida por los acuerdos de comercio más que por el derecho internacional establecido por la "familia de naciones" de las Naciones Unidas.

En el lenguaje cotidiano esto se conoce ahora como "globalización". Viktor Kasiepo, de Papúa Occidental ha identificado a la globalización de la siguiente manera:

> "El enfoque global nos hace creer que existe una gran amenaza contra nuestro planeta y una gran respuesta para el futuro.
>
> Pero ¿quién definirá lo que es el desarrollo sustentable y cuál es la respuesta a los desafíos del futuro? Y, ¿cómo podemos creer en una política de desarrollo global sustentable cuando la pérdida de nuestros bosques, el envenenamiento de nuestros océanos, y la diferencia entre los que tienen y los que no tienen son una consecuencia de agendas e intereses globales? La implementación de un mercado global y el principio de la desregularización han puesto una bomba de tiempo a todos los gobiernos, naciones y pueblos.
>
> ¿Es la soberanía de un Estado Nacional una garantía de que no pueda controlar el desarrollo nacional para el beneficio de su pueblo, o va a ser gobernado por corporaciones transnacionales, fuertes estados nacionales e instituciones intergubernamentales?
>
> [...] La total falta de respeto por los dueños de los recursos naturales [que explotan las naciones industrializadas y las corporaciones transnacionales] es un legado colonial. [...]Es un comportamiento inmoral y falto de ética que se reintroduce en el siglo XX pero de una manera diferente y más sutil, bajo el disfraz del 'mercado global'" (Globalización de los Recursos Humanos y Naturales, Pacific News Bulletin, febrero 1997:8-10.

De acuerdo a discusiones sostenidas en recientes encuentros regionales de los pueblos indígenas del Pacífico y ONGs, existe un alto nivel de consciencia relativo a estas nuevas "contrapartes", las cuales han sido consideradas como una amenaza y un desafío. Las ONGs centran sus análisis y seminarios en estos temas. Los grupos de pueblos indígenas también ven el hecho de su consciencia, su visión holística del mundo y su conocimiento ambiental como una responsabilidad para ayudar al futuro

de la humanidad. A este respecto, se apoyan y contribuyen a una creciente consciencia de una alianza global e identidad con los pueblos indígenas de todo el mundo.

El debate sobre los derechos de propiedad intelectual es un importante ejemplo de estas complejas relaciones globales. Un ejemplo, es la patente de la línea celular Hagahai. Significó una importante victoria para los derechos humanos e indígenas, y para la red mundial de ONGs y para los pueblos indígenas, cuando el Instituto Nacional de la Salud de los EE.UU. rechazó todos los derechos sobre la patente de la línea celular humana de una persona indígena *hagahai* de Papúa Nueva Guinea. Pero sin embargo, la patente de tejidos humanos está aumentando rápidamente.

Los desafíos ambientales para el Pacífico como consecuencia de la globalización son enormes. Existen serias amenazas y consecuencias provenientes de los deshechos peligrosos, la quema de productos químicos (en el atolón Kalama (Johnston)), los transportes nucleares, la biopiratería, las pruebas nucleares, la deforestación provocada por la construcción de infraestructura, la minería, la explotación maderera, la construcción de represas y el establecimiento de áreas de apacentamiento y de agroforestería, la presión sobre el medio ambiente por el establecimiento de balnearios, centros comerciales, campos de golf, etc., la super explotación de los océanos por los pesqueros y la minería del lecho del mar. La minería submarina en mar abierto es difícil de controlar y los planes actuales parecen estar en violación de la Ley del Mar de la ONU. También, el tema del cambio climático es importante y está relacionado a la explotación forestal. Kasiepo (citado antes) sugiere una "Corte de Justicia Medioambiental" y que los pueblos indígenas utilicen la Comisión para el Desarrollo Sustentable de la ONU para trabajar por un verdadero desarrollo sustentable, centrado en el ser humano.

Paralelamente con la orientación global, existe una creciente cantidad de agencias regionales y organizaciones gubernamentales y no-gubernamentales organizadas en la región del Pacífico como un todo, así como también las llamadas "áreas culturales" de Melanesia, Micronesia y Polinesia (inventado por científicos sociales y administradores coloniales). Las conexiones e identificaciones son establecidas a todos los niveles y de muy diferentes formas.

El viajar con grandes canoas tradicionales por todo el Pacífico se ha convertido en un importante punto focal para la identidad del Pacífico y la autoestima, y las tarifas aéreas relativamente accesibles y las redes de

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comunicación electrónica han facilitado las actividades trans-Pacífico. Por consiguiente, la mejora de los sistemas de telecomunicaciones está en la agenda de todas las islas hoy en día. Los isleños viajan por todo el Pacífico y tienen familia en toda la región. Miles de isleños del Pacífico están practicando activamente una identidad "isleña del Pacífico" al mismo tiempo que se identifican primero y fundamentalmente con sus islas de origen - antes de que con su identidad nacional.

Su práctica diaria niega el mito de que la región del Pacífico consiste de tierras demasiado pequeñas, demasiado pobres en recursos y naciones demasiado aisladas, que necesitan depender de naciones más grandes. El profesor de Tonga, 'Epeli Hau'ofa, lo ha expresado así:

> "Oceanía es la humanidad levantándose de las profundidades del mar y de regiones de fuego, aún más profundo. Oceanía somos nosotros. Somos el mar, nosotros somos el mar, debemos despertarnos a esta antigua verdad y usarla juntos para superar todas las visiones hegemónicas que tratan en última instancia de confinarnos otra vez, física y psicológicamente, a los diminutos espacios, que hemos resistido como nuestros únicos lugares designados, y de los cuales recientemente nos hemos liberado. No debemos permitir a nadie disminuirnos otra vez y que nos quiten nuestra libertad" ("Nuestro Mar de Islas" ps. 148-61 en Contemporary Pacific, primavera 1994:160)

Al incrementar la cooperación y las alianzas internacionales, los isleños del Pacífico y sus líderes están tratado de apartarse del síndrome de disminución antes mencionado. Por otro lado, el síndrome está por supuesto, apoyado por las diversas agencias que codician los recursos indígenas, y muchas de las políticas locales están sumamente influenciadas por la "mentalidad colonial".

Pero los isleños del Pacífico saben êsto y están descolonizando sus mentes a través de la investigación, la educación y la práctica. Muchos ya no creen que no pueden subsistir sin la ayuda financiera foránea, que generalmente depende del cumplimiento de requisitos de largo alcance relativos a cómo gobernar sus naciones y usar sus recursos. Las formas comerciales no-occidentales son fuertemente condenadas por algunas agencias de ayuda por no ser democráticas o, aún peor, por ser corruptas.

Economía, recursos y desarrollo

Algunos de los pueblos del Pacífico se encuentran en una profunda crisis financiera, que sus líderes tratan de aliviar con una serie de actividades, frecuentemente dentro de un marco de ideas económicas

decididamente occidental: inversiones, registro de tierras, desarrollo del turismo, pesca a gran escala, registro de navíos (las Islas Marshall tienen ahora el 12o. tonelaje del mundo), negocios libres de impuestos, exención de impuestos/juegos de azar en casinos, etc. Toman préstamos e invitan a los inversores extranjeros. Japón, Corea, Taiwán y China están invirtiendo cuantiosamente en los países micronesios, por ejemplo. Taiwán parece cortejar a los nuevos estados independientes para garantizar su apoyo en relación a la solicitud de reincorporación de la República China a las Naciones Unidas.

Mientras que existen serios problemas regionales con la inmigración ilegal, algunas de las naciones de las Islas del Pacífico venden pasaportes a inversores extranjeros. Kiribati, por ejemplo, vende pasaportes de dos años por US$ 10.000. Los estados libres asociados de las Islas Cook y de las Islas Marshall están también en este concepto, pero se enfrentaron con la desaprobación de sus actuales estados asociados, Nueva Zelanda y los Estados Unidos. Algunos proyectos de desarrollo son tan grandes, en relación a las islas para las cuales están planificados, que alterarán completamente la estructura social y política. Esto está sucediendo en Belau, donde seiscientas viviendas todavía no construidas han sido vendidas a taiwaneses. Si las viviendas son realmente construidas y pobladas por taiwaneses, esto cambiará completamente la composición de la población de la república de 16.000 *belauanos*.

Una razón que explica las dificultades financieras es que el precio en el mercado mundial de la copra y otros cultivos comerciales cultivados o extraídos y los productos de la minería y de la explotación maderera no tiene relación con el precio real de producción local. Es completamente dependiente del mercado mundial. En algunas naciones del Pacífico hay mano de obra barata o es importada de otros países como las Filipinas. Los filipinos constituyen ahora el grupo étnico más grande de Saipan en las Marianas del Norte, la actual ubicación de muchas fábricas de vestimenta. Se informa que doce mil trabajadores ganan nada más que $2,90 la hora, trabajando 65-80 horas semanales, después de pagar $4.000 (o sea el salario de tres meses) nada más que para obtener el trabajo. Producen marcas famosas y caras como Sako, Gap, LA Gear, y Levi Strauss. Las fuertes reacciones contra esta explotación en Manila y Washington todavía no han mejorado la situación de los trabajadores.

Las economías locales son desafortunadamente dependientes del dinero que proviene del exterior, ya sean giros, ayuda, compensación por la destrucción de la segunda guerra mundial, pruebas atómicas,

inmigración o uso de la tierra, o en mucho menor grado, ingreso del comercio. Ya sean naciones independientes o el grupo étnico menos pudiente de su propia tierra, los pueblos indígenas del Pacífico dependen de las varias formas de la llamada "ayuda", aunque mucho del apoyo económico que reciben, catalogado como ayuda, debería ser en realidad catalogado como compensación por el uso de la tierra y los recursos o compensación por la explotación de seres humanos y medio ambiente. Los pactos de libre asociación entres los Estados Unidos y las Islas Marshall, los Estados Federados de Micronesia y Belau, respectivamente, ejemplifican este punto. Los pactos contienen obligaciones para los primeros mencionados de pagar una cierta cantidad a las naciones del Pacífico durante un particular período de tiempo. El tiempo de los pagos se está agotando y se habla mucho sobre la insegura economía de pospacto. Otro ejemplo es la migración entre esas naciones isleñas americanas. Tanto las Marianas del Norte como Guam han tratado de convencer al gobierno de los Estados Unidos de que necesitan compensación por la invasión de inmigrantes que han entrado a su país provenientes de los estados libremente asociados desde 1986. Guam, que el año pasado en realidad logró asegurarse la "Ayuda para el Impacto del Pacto" ha recibido ocho mil inmigrantes de los estados libremente asociados en ese período.

El Banco Asiático de Desarrollo (ADB) es un importante factor en la economía del Pacífico, y también lo es, por supuesto, el Banco Mundial. Estos monitorean de cerca los planes y actividades de desarrollo político y económico del gobierno prestatario. En las Islas Marshall, por ejemplo, el ADB insistió sobre la privatización, enormes reducciones de las expensas del gobierno, construcción de complejos balnearios-hoteleros-campos de golf y el desarrollo general del turismo.

Sin embargo, a partir de la experiencia regional queda claro que esto no crea un ingreso substancial o trabajo para la población local. Este tipo de desarrollo generalmente beneficia a los inversores extranjeros mientras que los pueblos indígenas pierden el acceso a las playas y terminan con serios problemas de contaminación y falta de agua. Por lo tanto, protestan contra los planes de desarrollo que sus gobiernos generalmente apoyan.

El arrendamiento de tierras públicas para la planeada construcción de un complejo comercial de primera clase en las Marianas del Norte ha sido detenido por la acción civil. Las Marianas del Norte tienen ahora más de 600.000 visitantes por año, o sea 30 turistas por cada indígena - casi la misma proporción que para los kānaka maoli de Hawai'i. Existen

también otras similitudes. La afamada cadena hotelera Outrigger, con sede en Hawai'i, y el First Hawaiian Bank, son muy activos en el Pacífico. Los compradores japoneses comprarán en los complejos comerciales de Guam y también en Honolulú para adquirir sus marcas europeas y norteamericanas de prestigio como Gucci y Georg Jensen.

En la isla de O'ahu en Hawai'i, está por inaugurarse la polémica autopista H-3. La construcción de la H-3 ha sido objeto de fuertes protestas por parte de los kānaka maoli, porque ha destruido valles y sitios sagrados. La autopista fue maldecida por un practicante religioso indígena y a continuación de muertes y otros serios accidentes, las autoridades juzgaron necesario bendecir la autopista en una segunda ceremonia, cristiana, en 1996, antes de poder continuar con los trabajos.

La continua clausura de plantaciones de azúcar y los intentos de "desarrollar" tierras agrícolas prístinas y tierras de pastoreo han levantado mucha polémica, igual que los intentos de desarrollar áreas de playas. En Moloka'i y en O'ahul, ésto ha creado grandes polémicas que se centran en el tema de asegurar el agua y transferirla de los valles resguardados a las áreas áridas de la costa.

Los isleños del Pacífico no están contra el desarrollo. En realidad, muchos desean algún tipo de desarrollo del cual se puedan beneficiar y procurar un "estilo de vida moderno" - ellos quieren usar sus recursos. Pero el desarrollo en el sentido occidental de la palabra ha aumentado el abismo entre los ricos y los pobres. La integración económica y social, el neocolonialismo, la generación de la dependencia de la ayuda, y el creciente militarismo ha conducido a conflictos sobre el desarrollo, inquietud, cambios sociales y contradicciones, creciente pobreza, dependencia de la ayuda externa y de los alimentos producidos en el extranjero con un efecto de detrimento de la salud de los isleños del Pacífico. Por lo tanto, los habitantes de las áreas propuestas protestan frecuentemente contra el desarrollo, pero hasta las empresas de propiedad extranjera están frecuentemente apoyadas por los gobiernos locales. Parece haber una alianza entre los empresarios (privados) y las agencias gubernamentales.

Militarismo y desechos nucleares

Los temas nucleares son generalmente de importante interés para los isleños del Pacífico. Las pruebas nucleares francesas originaron una ola de protestas por parte de los pueblos indígenas y también de los gobiernos de las islas. Actualmente, la atención se concentra en el transporte y deposición de desechos nucleares. Varios lugares, entre ellos Wake y

Palmyra (administrados por el Ministerio del Interior de los EE.UU.) han sido sugeridos como lugares potenciales de almacenamiento. Otros negocios de desechos tóxicos y basura comprenden a Tonga, Vanuatu, Islas Salomón, Yap y otras naciones. En las Islas Marshall, se habla mucho sobre la creación de más tierras llenando las lagunas con desechos domésticos.

Para la próxima década están planeados de dos a tres traslados por mar de desechos radioactivos a través del Pacífico. El barco británico "Pacific Teal" está actualmente transportando desechos altamente radioactivos de Francia al Japón a través del Pacífico. Se dice que la carga es igual a "diez Chernobyl" (Pacific News Bulletin, enero 1997 p.3). El traslado ha sido condenado y protestado por los isleños del Pacífico, pero se está realizando a pesar del Tratado de la Zona Libre de Materiales Nucleares del Pacífico Sur, firmado por Francia, los Estados Unidos y Gran Bretaña en marzo de 1996. Francia tuvo como signatario del tratado a Gaston Flosse, el presidente de la Polinesia Francesa, quizá tratando de introducir solapadamente una aceptación de la Polinesia Francesa como miembro de la familia de las naciones de las Islas del Pacífico.

Desde que Francia perdió a Argelia en los años 50, se han realizado más de 180 pruebas nucleares en Fangataufa y Moruroa, en el territorio francés de ultramar de la "Polinesia Francesa". Ahora las pruebas se han detenido, pero la contaminación y la destrucción queda y la deposición de desechos nucleares continúa.

Después de la clausura del centro de pruebas, Francia prometió pagar a Tahití 990 millones de francos franceses durante los próximos diez años, y Gaston Flosse, presionó por una mayor autonomía interna de Francia (y aceptación entre los estados del Pacífico por otro lado). En 1996, París optó por rechazar las solicitudes de la legislatura territorial relativas a la elevación del tahitiano a lengua oficial, al control completo sobre la inmigración, y la reglamentación sobre transacciones de tierras y propiedades. Por otro lado, los poderes presidenciales fueron substancialmente aumentados.

Para muchos pueblos del Pacífico, la lucha por un Pacífico libre de materiales nucleares es lo mismo que la lucha por la independencia. Esta política es activamente implementada por el movimiento regional Independiente y Sin Materiales Nucleares y el tahitiano Hiti Tau. Hiti Tau (Tiempo de Actuar) es una organización no-gubernamental, que trabaja en forma internacional para apoyar los derechos a una desnuclearización permanente del medio ambiente. La organización representa a 20.000 personas y trabaja con 400 líderes locales en todas las

islas. Ha organizado ocupaciones de tierra y prioriza el desarrollo de soluciones económicas alternativas al dinero nuclear francés.

Hiti Tau ha tomado la iniciativa de una investigación sobre la salud, a gran escala, en cooperación con L'Eglise Evangélique de Te Ao Maohi, el Consejo Mundial de Iglesias de Ginebra, el Centro de Documentación y de Investigación sobre la Paz y los Conflictos de Lyon, Francia, y el Centro Europeo para los Temas del Pacífico de Zeist, y la Universidad de Wageningen, ambos de Holanda. Este es el primer estudio del tipo, porque Francia ha mantenido todos los informes médicos en secreto. El proyecto busca obtener datos sobre la situación ambiental y sanitaria de los polinesios que trabajaron en los lugares de prueba y de los habitantes de las islas en torno al lugar y contribuir a la discusión pública sobre las consecuencias médicas, sociales y ambientales de las pruebas nucleares para la gente que vive en Te Ao Maohi. El líder de Hiti Tau, Gabriel Tetiarahi, espera que los resultados sean una importante herramienta para lograr el apoyo internacional para el movimiento por la autodeterminación de Te Ao Maohi, que está inmersa en el actual "colonialismo nuclear".

En enero de 1997, la ONG tahitiana Hiti Tau patrocinó la Conferencia de Desarme Mundial Abolición 2000, en Moorea y Tahití en Te Ao Maohi. Abolición 2000 es una red de más de 600 organizaciones de todo el mundo, conectada al correo electrónico, que llama a una convención en el año 2000 para abolir todas las armas nucleares. La Conferencia Abolición 2000 dejó muy en claro la conexión entre el colonialismo y las pruebas/desechos nucleares y apoyó la lucha de los maohi por la autodeterminación y la independencia, tal como se documenta en la Declaración de Tarahoi. La Declaración de Tarahoi llamó a la creación de un tribunal internacional consistente de tres círculos - pueblos indígenas, la comunidad mundial y los receptores del Premio Nobel de la Paz. El tribunal debería juzgar la "política nuclear genocida de Francia". El presidente Flosse criticó después Abolición 2000, por inmiscuirse en los asuntos internos del territorio...

Otros pueblos del Pacífico tienen también una experiencia particular con la política nuclear y las pruebas, transporte, almacenamiento y deposición de desechos nucleares. A los dos representantes de Belau que querían participar en Abolición 2000 se les negó al principio la entrada a la Polinesia Francesa y pudieron sólo participar durante los últimos días para relatar su historia.

Belau, el ex Territorio en Administración de las Naciones Unidas, administrado por los EE.UU., aprobó la primera constitución libre de

armas nucleares del mundo en 1979. Pero después de años de lucha, intimidación, y repetidas votaciones, Belau entró en 1994 en un "Pacto de Libre Asociación" con los Estados Unidos. El pacto otorgó la independencia a Belau, pero también la privó de fundamentales derechos soberanos. Belau sigue siendo una colonia militar de los Estados Unidos, porque éstos tienen veto sobre los asuntos exteriores y el pacto limita al EEZ en torno a Belau a 12 millas. Por el precio de 450 millones de US$ en cuatro años, los EE.UU. se reservan las tierras para un uso futuro. Pueden apoderarse de cualquier tierra con sesenta días de aviso con propósitos militares y no tienen obligaciones de devolver la tierra a su estado original. Este acuerdo no puede ser anulado sólo por Belau. La anulación requiere un mutuo acuerdo. La gente de Belau siente ahora la presión del "desarrollo moderno", se sienten abrumados, son desempleados, los programas federales de los EE.UU. han sido cortados.

Mientras que el 25 de julio de 1996 fue una triste conmemoración de la primera prueba nuclear en Bikini, hace 50 años, en las Islas Marshall, el programa de pruebas de misiles en Kwajalein se está expandiendo. Esto ha sido enfrentado con protestas en la República de las Islas Marshall y también en algunos de los previstos lugares de lanzamiento de la Guerra de las Estrellas en Hawai'i. Según un acuerdo separado del Pacto de Libre Asociación, que cubre el período 1986-2001, los Estados Unidos pueden usar Kwajalein como base de misiles durante treinta años. Incluso después de treinta años, el acuerdo puede sólo ser finalizado por acuerdo mutuo. Kwajalein tiene ahora horario de California -un día antes que sus islas vecinas- y probablemente la más sofisticada tecnología del mundo. El alojamiento militar se ha extendido a Marjuro, a una hora de vuelo.

Mientras tanto, el gobierno federal amenazó con cortar la ayuda alimenticia a los habitantes de Rongelap y Bikini. Esto bloquearía la repoblación de las islas, porque los alimentos cultivados localmente son demasiado radioactivos para comer. Al mismo tiempo, siete cánceres adicionales fueron agregados a la lista de condiciones susceptibles de indemnización (Pacific News Bulletin, primavera 1997:215).

La ironía de la situación es compleja. Incluso las graves consecuencias ambientales pueden resultar en negocios. Como parte de algo que parece una nueva moda de "turismo del terror", ¡un empresario está planeando promover expediciones de buceo a la Laguna de Bikini! Además, la desesperada situación económica de las Islas Marshall ha impulsado al gobierno a presentar repetidamente la polémica idea de vender espacio de almacenamiento de desechos radioactivos en la ya

contaminada isla, a pesar de las fuertes protestas populares. El gobierno también se niega a firmar el Tratado de Zona Libre de Materiales Nucleares del Pacífico Sur. Alega que el tratado los forzaría a vivir con desechos nucleares para siempre, porque el tratado prohíbe el transporte de materiales nucleares.

Capitalización de los recursos de las islas del Pacífico: pesca, minerales, bosques y belleza

La construcción, la extracción de coral, las aguas fecales y el apacentamiento excesivo que causa erosión y desagüe son otras importantes causas de destrucción del medio ambiente vital del océano y por lo tanto de las condiciones de vida para los peces costeros. Esto hace que la vida basada en la pesca de subsistencia o en la pesca comercial a pequeña escala sea muy difícil. Quizá, la comprensión local de los procesos ecológicos podría dar esperanzas para un mejor manejo - aunque estará en continua oposición con el obtuso proyecto "moderno" de desarrollo basado en el desarrollo militar y del turismo. Localmente, esta esperanza está sostenida por un apoyo generalizado a la actual iniciativa regional para proteger a los arrecifes de coral.

Frecuentemente alentados por las agencias de ayuda, se promueve a las empresas de pesca de alta mar y se les vende, arrienda por años o se realizan empresas conjuntas con compañías extranjeras. Pero crea pocas fuentes de trabajo para los isleños del Pacífico y sus recursos son exportados.

La pesca de alta mar a gran escala es también promovida por la Agencia de Pesca del Foro del Pacífico Sur, la cual es generalmente considerada como un modelo progresista de cooperación regional sobre manejo de la pesca. La Agencia es renombrada por haber combatido la pesca con red de arrastre y en 1991 apoyó exitosamente la introducción de la resolución de la ONU que la prohíbe. La pesca con red de arrastre es uno de los métodos más destructivos de práctica de explotación marina, y en caso de continuarse unos pocos años habría creado un colapso total de la pesca.

El océano está ahora amenazado por planes de explotación minera del fondo del mar y a pesar de las iniciativas de la Agencia, la pesca de profundidad parece estar cerca de sobrepasar el límite tolerable. El manejo sustentable del océano es absolutamente necesario para asegurar el "patrimonio global" de los océanos para las futuras generaciones.

Queda cada vez más claro que la minería no es ética, no sólo en lo que respecta al desarrollo sustentable de los recursos terrestres y natura-

les, sino también para la autodeterminación política. La importancia del control sobre el níquel para los kanaky ya ha sido mencionada. Bougainville (tratado en detalle antes) es también un ejemplo desastroso. Otros ejemplos son la mina Ok Tedi en Papúa Nueva Guinea, la mina Freeport en Papúa Occidental y las minas de oro de Nueva Irlanda (provincia de PNG), Fiji y las Salomón. Todas estas minas han tenido el efecto de cambiar las condiciones sociales y físicas de los pueblos cuyas áreas han explotado. La New Zealand Steel en Waikato Heads ha profanado cementerios sagrados para explotar la arena ferrosa (la compañía es una compañía extranjera, es parte de BHP de Australia, la misma compañía que está involucrada en la mina de Ok Tedi).

Cuatro quintos de la superficie de Nauru y gran parte de su subsuelo están arruinados por la extracción de fosfato por Australia, Gran Bretaña y Nueva Zelanda. Después de la independencia en 1986, la industria del fosfato fue vendida a los *nauruanos*, pero los ex poderes coloniales retuvieron los activos de millones de dólares. Nauru ha demandado a Australia frente al Tribunal Internacional de Justicia de La Haya, alegando daños, pero no existe la cantidad de dinero que pueda recrear la isla.

La explotación maderera en el Pacífico es típicamente no sustentable y descontrolada, resultado en un inmenso daño ecológico - a pesar de las reglamentaciones gubernamentales con efecto opuesto. La demanda de reglamentaciones surge también de la experiencia local con la industria maderera extranjera. Es difícil obtener financiación para tal reglamentación, aunque es alentada por los bancos y otras agencias para el desarrollo. Muchos gobiernos del Pacífico disponen de departamentos o divisiones para el medio ambiente, pero tienen serias dificultades para implementar sus políticas ecológicamente sanas. Lo mismo parece ser el caso del Programa Regional para el Medio Ambiente del Pacífico Sur (SPREP), el cual incluye a todos los estados y territorios del Pacífico. Es patrocinado por el Convenio para la Protección de los Recursos Naturales y el Medio Ambiente de la Región del Pacífico Sur, que ha estado vigente desde 1990 y está firmado por Francia (!) y otras nueve partes.

Algunas compañías son muy dominantes y se inmiscuyen en las comunidades locales. Existen varios ejemplos de compañías que prometen expansión y arruinan los recursos. Como parte de los acuerdos con los usufructuarios de la tierra locales prometieron escuelas e infraestructura, pero dejaron sólo destrucción. El precio del mercado mundial de la madera ni se acerca a cubrir el valor de uso local y la importancia cultural y biológica de los bosques. El principal consumidor de la madera del Pacífico es Japón, pero Corea está también

creciendo en importancia como cliente. En Melanesia están trabajando compañías de Japón, Corea, Singapur, China y especialmente Malasia.

Los dueños locales de los recursos están típicamente a favor de algún tipo de explotación maderera -porque esa es una forma de vivir de sus recursos- pero generalmente encuentran que las compañías extranjeras, que están limpiando sus bosques y contaminando los ríos, son las que se llevan las ganancias y ellos expresan su descontento a sus gobiernos. Sus propias ganancias disminuyen, sus sitios sagrados son profanados, sus tierras son destruidas, la mano de obra es importada y ellos mismo son desplazados y pueden terminar como trabajadores urbanos no especializados. La reforestación por lo general equivale a un tipo de agroforestería comercial de monocultivo, tal como plantaciones de palma oleaginosa. Los ecosistemas originales son virtualmente imposibles de recuperar. La situación se complica aún más allí donde los derechos a la tierra son consuetudinarios. En Papúa Nueva Guinea, Vanuatu y las Islas Salomón, p. ej., la tenencia consuetudinaria de la tierra es altamente apreciada y compleja - más del noventa por ciento de la tierra no es propiedad privada en el sentido occidental de la palabra.

Kathleen Barlow y Steven Winduo formularon el punto muy claramente en su introducción al último número de Contemporary Pacific, una edición especial sobre la explotación maderera en Melanesia: *"El legado colonial de sistemas políticos y legales que enajenan la tierra y cooptan sus recursos para usos determinados en otras partes, se ve perpetuado a través del desequilibrio neocolonial [...] y por la retórica sobre los bosques como lugares inhabitados, disponibles para la explotación"* (Primavera 1997:9). Los modelos de ganancia y el daño económico, social y ambiental de la explotación maderera son cada vez más transparentes y los propietarios de los recursos locales y las organizaciones están protestando por la explotación. Las iniciativas de registrar la tierra -sumamente alentadas por, p. ej., el Banco Mundial- son a su vez rechazadas por los pueblos indígenas. El Fondo de Desarrollo de las Islas Salomón y las ONGs locales de las naciones melanesias se están organizando y fortaleciendo a través del trabajo de contacto internacional y están jugando ahora un papel activo en los esfuerzos para promover un desarrollo sustentable.

También hay otros actores globales que tienen un interés en los bosques tropicales del Pacífico. Los conservacionistas exhortan a la protección de los bosques de las islas del Pacífico, que albergan una tremenda riqueza de especies endémicas y de niveles de biodiversidad. Los científicos naturales consideran a los bosques de una importancia

fundamental para los procesos hidrológicos globales, para los intercambios de gas por el efecto de invernadero y, por lo tanto, para el calentamiento del planeta y el nivel de los mares. Pero los grupos de interés y las organizaciones internacionales ocupadas con la protección de los ecosistemas y la biodiversidad a un nivel global chocan frecuentemente con los pueblos indígenas que viven en los bosques, y de los bosques, y sus prácticas de conservación. La conservación por sí misma no es un argumento persuasivo para la gente que vive con y de los bosques. Generalmente favorecen lo que se llama una estrategia de "uso sabio" en vez del objetivo de "no uso" de los conservacionistas. Como alternativa, se necesitan proyectos pequeños, a pequeña escala, sustentables. Allí donde la política de "no uso" se considerara necesaria, debería ser de interés global reembolsar a la población local, financiar la continua existencia de los bosques tropicales. No es ni ayuda ni soborno, sino un compartir globalmente los costos de los intereses globales.

Control sobre la tierra

Grandes proporciones de la limitada base territorial de las naciones de las islas del Pacífico están bajo control extranjero y gran parte es inaccesible para los pueblos indígenas, especialmente en los países del primer mundo.

En Guam, el gobierno de los Estados Unidos controla más del 30% del área territorial, gran parte de la cual está sin usar. Se han hecho esfuerzos para que se devolvieran algunas de las "tierras excedentes" al gobierno de Guam y no fueran transferidas a otras agencias federales, como por ej., el Servicio de Pesca y Fauna para objetivos de conservación.

A pesar de los esfuerzos de parte de muchas personas y organizaciones, la *pai'ohana* (familia extendida) cuyas tierras están ubicadas dentro del Parque Nacional de Honokahau en la isla de Hawai'i fue también expulsada. Al principio se suponía que el parque iba a ser un parque cultural, pero la pai'ohana que se ha hecho cargo de las tierras durante siglos no era deseada en la tierra por parte de las autoridades federales. Han habido también otras expulsiones de kānaka maoli. En junio de 1996, familias kānaka maoli fueron expulsadas de M kua Beach en O'ahu, lugar que habían ocupado muchos pobres, gente sin casa y otras personas que buscan formas de vivir diferentes o más tradicionales, entornos más seguros para que sus hijos crezcan en contraste con los ghettos suburbanos de violencia, drogas y bandas. Los avisos de desalojo fueron dados y pospuestos varias veces. El aviso final, en un giro

irónico, se preocupó de posponer el desalojo hasta que los niños salieran de la escuela en sus vacaciones de verano.

En 1996, los indígenas de Guam lograron finalmente forzar una implementación de la Ley del Fondo de Tierras Chamoru de 1975. Fue preciso una demanda judicial y más de dos meses de continuas protestas, en las cuales la Nación Chamoru estableció un campamento en el campo de desfiles del gobernador. Se les dio aviso de desalojo pero se negaron a hacerlo. Cantaron e hicieron sonar conchas marinas durante la sesión legislativa. Finalmente fueron aprobadas dos leyes, estableciendo normas y reglamentaciones para las solicitudes de tierra y la transferencia de 4.336 lotes del abolido "Programa de Tierras para los Sin Tierra" al "Fondo de Tierras Chamoru". La Comisión del Fondo de Tierras acepta ahora las solicitudes de lotes de tierra a un dólar por año de arrendamiento durante 99 años, con preferencia para los chamoru sin tierras. Esta Comisión parece apoyarse en el modelo de la Ley Hawaiiana de la Comisión de Vivienda de 1920, cuya implementación ha sido severamente criticada por los indígenas hawaiianos y los grupos en pro de los derechos civiles.

Los *māori* han seguido ocupando tierras usurpadas a ellos en violación al Tratado de Waitangi para asegurar sus derechos. La extensión de tierra cubierta por el tratado ha sido reducida a un 5% de los originales 66 millones de acres.

Aún así, un tercio de la tierra de Aotearoa es tierra dedicada a la conservación, y casi todas ellas son reivindicadas por los māori, el departamento se niega a dejar participar a los māori en la administración de las tierras. El acceso consuetudinario y la recolección les son también negados. Esto sucede, según Margaret Mutu (Contemporary Pacific, primavera 1997:235), porque el Departamento de Conservación está dictado por un poderoso "lobby" ambiental del tipo "no uso".

Mientras que el gobierno de Nueva Zelanda declara su soberanía "indivisible", el Tribunal Waitangi de 1996 emitió el Informe Taranaki, el cual enumeró "numerosas violaciones horrendas de los derechos legales, morales y humanos de los taranaki māori por los sucesivos gobiernos de Nueva Zelanda hasta el presente" (op.cit.:236). Al privar de recursos y de la base económica a los māori, el gobierno ha destruido la autonomía māori. El Tribunal decidió que estas acciones eran ilegales y una violación de los derechos internacionales de los pueblos a un estatus condicional como primeros pueblos.

Como parte de una estrategia para obtener control sobre sus propias vidas, ellos tratan de asegurar que la garantía para su *tino rangatiratanga*, soberanía, se mantenga.

En Hawai'i, la legislatura estatal está tratando de cumplir con las demandas de los grandes terratenientes y otras personas alarmadas por la sentencia de la Suprema Corte de 1995, que confirma el acceso tradicional de los kānaka maoli y los derechos a la recolección tal como están claramente establecidos en el Constitución y en las Leyes Revisadas de Hawai'i. La sentencia afirmó las obligaciones de los gobiernos estatales y municipales de proteger y preservar el derecho nativo hawaiiano al acceso a tierras privadas no trabajadas, para objetivos culturales y tradicionales. Una oficina legal fue establecida en Honolulú para contrarrestar la ley y fue introducida una ley estatal para "aclarar" los derechos de acceso, requiriendo en efecto que todos los kānaka maoli se registraran y probaran su genealogía antes de poder acceder a áreas donde sus familias se han reunido durante siglos. Una vigilia de 24 horas en el Capitolio Estatal de Honolulú, con fuerte apoyo de los practicantes *hula* kānaka maoli quienes tocaron tambores, cantaron y danzaron su mensaje a los legisladores, influyó a los legisladores para que rechazaran la ley, una copia de la cual fue a continuación destrozada dramáticamente en frente a la multitud. La protesta fue la más grande de muchos años y participaron muchos kānaka maoli que no son generalmente activos políticamente. A continuación de ésto, los más grandes terratenientes del estado formaron una coalición para "resolver" el tema del acceso de los kānaka maoli. Ellos alegan que la falta de derechos para excluir a los kānaka maoli del acceso a la tierra amenaza dañar la economía del estado y ya ha detenido varios proyectos de desarrollo y ha "agriado" el negocio de la venta de tierras. Sin el derecho a excluir el acceso kānaka maoli a las tierras de propiedad privada, se forma una "nube" sobre el título a la tierra, tal como el derecho occidental lo entiende. Desde ese entonces, una nueva ley ha seguido a la primera. Este tema todavía no está superado.

Hasta las naciones independientes del Pacífico que han implementado leyes para impedir la enajenación de las tierras, pierden el control sobre las mismas. El otorgamiento de arrendamientos de sesenta años en las Islas Cook, con pago al comienzo por la totalidad de los sesenta años, es virtualmente lo mismo que regalar la tierra durante dos generaciones. Un arrendamiento de tierras agrícolas prístinas, sobre las cuales se construyó un centro comercial, o un arrendamiento de un área playera, donde se construyó un hotel, también constituyen de hecho pérdida de tierras. No es de extrañarse que el renovamiento de los arrendamientos sea un tema polémico. En Fiji, cinco mil arrendamientos están para ser renovados durante los próximos ocho años.

Autodeterminación

En el Pacífico, las pruebas nucleares y el almacenamiento han creado importantes problemas y preocupaciones para el medio ambiente, tal como lo ha hecho también gran parte del desarrollo. Las tierras han sido tomadas o destruidas, los derechos a los océanos han sido vendidos, los océanos han sido vaciados, los pueblos están sin trabajo y sin objetivos, dependientes de la ayuda. Esta es una imagen pálida, que es parte de la explicación de los crecientes problemas sociales y la violencia en las comunidades indígenas, lo cual es un fenómeno bien conocido en el Pacífico y en todo el mundo.

La concentración en las áreas urbanas está creciendo, dejando a las islas exteriores con demasiada poca población como para cultivar alimentos suficientes para mantener a sus poblaciones, por lo que más y más personas se ven forzadas a depender cada vez más de la importación de alimentos. Las drogas, los crímenes violentos, y las luchas entre bandas están en aumento en todo el Pacífico. En las Marianas del Norte, los asesinatos se hacen más frecuentes, y Guam se ha visto forzada a declarar la guerra al "hielo" (Crystal methamphetamine).

Es necesario un cambio de las condiciones económicas y políticas. Una mayor autosuficiencia y autoconfianza -a través de la autodeterminación y la intensificación del trabajo regional- parecen prometer algún alivio a esta devastadora situación. Se hacen muy necesarias las visiones y el optimismo antes expresados por Hau'ofa, los esfuerzos de las comunidades locales y las naciones para crear un desarrollo ambientalmente sano y detener la explotación y destrucción.

AUSTRALIA

Nuevos tiempos

El 2 de marzo de 1996 fue electo un nuevo gobierno nacional australiano. El cambio de tono de la política australiana desde entonces, con sus señales a los australianos no-indígenas relativas a los pueblos indígenas, constituye la más importante historia del año. El nuevo primer ministro, John Howard, quería retirar los temas indígenas de las primeras páginas de los periódicos y de las noticias televisivas, creyendo que sus predecesores les habían otorgado demasiada importancia. Sin embargo, desde la elección, los *aborígenes* y los *isleños del Estrecho de Torres* han gozado de más cobertura de prensa que nunca. Un año después de asumir el poder, el Primer Ministro dedica mucho de su tiempo y de sus declara-

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ciones públicas a los temas indígenas. Si él es una especie de Harry Truman de los suburbios, retrotrayendo al país a propósitos modestos después de tiempos de cambio, las encuestas públicas y las noticias diarias muestran que los pueblos indígenas son una de las áreas en las cuales los enfoques domésticos de mínima intensidad no funcionan.[1] A diferencia de otros dos grandes áreas problemáticas -financiación de la universidad y relaciones exteriores- Howard está muy visiblemente a cargo de la política indígena.

Mucha de la atención nacional y la polémica que rodean a los asuntos indígenas son resultado directo de la actitud e ineptitud del nuevo gobierno. Mucho es resultado de acciones y palabras de los Estados y el Territorio del Norte (NT) que creen que el nuevo gobierno de Camberra les permitirá "ponerse duros" con los aborígenes. Sin embargo, mucho también proviene de las muchas figuras públicas y comentaristas de los medios de difusión quienes en el pasado habían estado satisfechos de dejar los asuntos indígenas a activistas y expertos. Han sido incitados a la acción por un público cuyos miembros más xenofóbicos, inseguros o llenos de odio, han seguido el ejemplo de los gobiernos y han ubicado como blanco de sus abusos a los indígenas, así como también a los asiáticos y otros inmigrantes. Todavía está por verse si un centro moderado puede tener éxito en construir un consenso político y social para rescatar la política indígena de la reacción y la crisis.

El problema está siendo rápidamente internacionalizado. Ahora la presión en Asia mezcla las meditaciones filosóficas sobre las la historia de las relaciones raciales de Australia con anécdotas sobre turistas y estudiantes que han experimentado directamente los sentimientos raciales australianos. La negativa del gobierno de Howard a aceptar un muy moderado compromiso con los derechos humanos en un tratado de comercio con la Unión Europea ha elevado las cejas en ambos continentes, especulando los aborígenes en los medios de difusión que ésto es una jugada defensiva de un gobierno que se está preparando a extinguir el "título nativo" y es temeroso de la reacción internacional.

Los visitantes del extranjero, tan diversos como el Presidente Clinton de los EE.UU., el Dalai Lama, y un obispo negro católico sudafricano, gentil pero firmemente aconsejan a los australianos a considerar su diversidad cultural y social como una fortaleza y a vivir en armonía. Los líderes aborígenes y las figuras públicas blancas del país, de ninguna manera "extremistas", están especulando en voz alta sobre los Juegos Olímpicos a ser celebrados en Sydney en el año 2000. ¿Habrá

alguna nación extranjera que haga boicot a una Australia racista; el comentario de los medios de difusión mundiales tendrá efectos positivos sobre la política indígena; los gobiernos tratarán de reprimir o ignorar las protestas raciales como en los Juegos de la Mancomunidad en Brisbane en 1982?

En su primer año el gobierno de Howard no ha sufrido ninguna derrota política real por parte de fuerzas externas. Sus fallas y tropiezos han sido muchos, pero todos han sido autoinfligidos. Si la oposición laborista tiene la voluntad de luchar arduamente por los derechos indígenas -y eso no ha sido evidente- debe informar y movilizar a la opinión pública de una forma que no hizo cuando estaba en el gobierno. El peligro es que el partido laborista se retire simplemente de la lucha. La única oposición suficientemente fuerte para desviar a Howard puede provenir de su grupo de coalición: en algún momento sus cohortes partidarias, ambiciosas y avaras, rechazarán seguramente su visión de una Australia "relajada y confortable". Quieren ser considerados como inteligentes y contemporáneos, no raros y acogedores.[2] Una vez que la novedad del poder se desgaste, la visión de Howard puede desvanecerse rápidamente.

Proceso y política

La sabiduría convencional dice que los laboristas perdieron algunos de sus votantes tradicionales por parecer estaar demasiado cerca de los grupos de lobby vanguardistas tal como los ambientalistas, aborígenes e isleños del Estrecho de Torres, el movimiento feminista, etc., mientras que parecían indiferentes frente a los sufrimientos causados por el persistente desempleo, la muerte de las industrias establecidas, la venta al extranjero de nombres de marcas australianas conocidas, la lucha de los que tienen ingresos medios, y el deterioro rural y la sequía. Como tanta otra sabiduría política, esto puede ser autocomplaciente. Por ejemplo, las figuras líderes laboristas de Queensland que nunca favorecieron remover el profundo pozo del racismo ahora se creen sabios probados, y están tratando de infectar la estrategia y el programa partidario nacional. El racismo no está confinado a ningún partido, ni tampoco su tolerancia. En cambio, el gran peligro es que los derechos y necesidades de los pueblos indígenas se están convirtiendo en un área políticamente tabú. Un ministro laborista derrotado de Brisbane se queja de que su partido se ha convertido en "decididamente liberal", renunciando a su "[pasado] xenofóbico y conservador en temas culturales tales como la inmigración y la raza", y que "apoyar a las mujeres ...

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y la agenda de derechos humanos" significó la caída de su gobierno.[3] Mientras tanto, cada día parece aportar un nuevo informe de extremas ventajas indígenas, todos notorios por su falta de impacto político.

Al fin ha sido publicado un buen estudio de la administración nacional sobre asuntos indígenas de Australia, explicándolos en un contexto internacional.[4] El análisis muestra que ATSIC (Comisión para los Aborígenes e Isleños del Estrecho de Torres), la agencia nacional indígena, no puede reconciliar su papel de voz indígena electa con el estatus de formar parte de la burocracia federal. Existen también fuertes tensiones entre el regionalismo y el centralismo en ATSIC y en la política indígena. Sin embargo, el ataque del gobierno de Howard contra ATSIC desde sus primeras horas en el poder han mejorado su imagen frente a muchos aborígenes. Al hablar despectivamente de "la industria aborigen" y del "negocio de la culpa", como él considera a los asuntos indígenas, y por parecer atacar a las personas indígenas que tratan de ayudar a su propio pueblo, Howard ha mezclado un muy extraño mensaje con sus llamados a la autosuficiencia.

Los pueblos indígenas del norte, centro y oeste de Australia, y de otras áreas rurales, nunca acordarán nada que no contenga autonomía regional. Nada menos que eso les permitirá resolver sus muy publicitados problemas. Particularmente preocupantes son las campañas de "ley y orden" en Queensland, el Territorio del Norte y Australia Occidental, las cuales son frecuentemente un poco más que ataques locales y regionales contra los pueblos indígenas. Tal como demostró el muy ignorado estudio nacional sobre Violencia Racista, el estrecho control oficial australiano de los aborígenes es moralmente inaceptable e inútil como estrategia social.[5] Los gobiernos australianos en sus acuerdos de política de control de armas de 1996 rechazaron una cultura de la violencia de tipo americano; se podría tener la esperanza de que también se retiren de la marginación en lo que respecta a la política transcultural y la administración de justicia.

Los isleños del Estrecho de Torres

Los isleños del Estrecho de Torres han recientemente reafirmado intenciones regionales a través de su Autoridad Regional.[6] El *Plan Corporativo* comienza con "Nuestra visión", de Autorizar a nuestro pueblo a determinar sus propios asuntos basados en nuestro único Ailan Kastom Estrecho de Torres del cual sacamos nuestra unidad y fortaleza seguido por "Nuestros objetivos":

- Obtener reconocimiento de nuestros derechos, costumbres e identidad como pueblos indígenas.
- Lograr una mejor calidad de vida para todos los que viven en el Estrecho de Torres.
- Desarrollar una base económica sustentable, brindar mejores servicios comunitarios y de salud, y asegurar la protección de nuestro medio ambiente.
- Reivindicar nuestro título nativo a las tierras y aguas del Estrecho de Torres.

En los 26 objetivos para 1996-2000 adjuntos a este plan, el No. 25 es "Desarrollar y mantener los vínculos con los pueblos indígenas de todo el mundo con los cuales compartimos experiencias comunes". Si bien los líderes *inuit* groenlandeses y canadienses ser han reunido con los líderes del Estrecho de Torres, y el líder del Estrecho de Torres, Getano Lui Jr., ha visitado extensamente el Pacífico Sur (y en 1993 viajó a los fiordos *sami* y a reuniones en el norte de Noruega), los vínculos reales de trabajo todavía no han sido desarrollados. Quizás con el arribo de la producción petrolera de Papúa Nueva Guinea en el extremo oriental del Estrecho de Torres y los envíos marítimos a través de sus propias aguas, los isleños podrán ahora aprovecharse de la considerable experiencia de los inuit y otros pueblos del Hemisferio Norte relativa a los proyectos de petróleo y gas.[8] Los isleños tienen mucho trabajo por delante en la elaboración de propuestas de desarrollo de estructuras regionales políticas y legales. Un comité parlamentario federal que está investigando ahora una "mayor autonomía" para el Estrecho de Torres puede ayudar, así como también una reivindicación piloto de título native de la Isla Saibai, y un caso de prueba de una reivindicación marítima en el Territorio del Norte. La situación actual del Estrecho de Torres está siendo mejor conocida en Australia gracias a la larga lucha de Eddie Mabo y la decisión *Mabo* de 1992.[9]

"La vieja ronda de desgracias"[10]

El *puente de la Isla Hindmarsh* puede haber sido una de las cuestiones indígenas que realmente afectaron el resultado de las elecciones federales de 1996.[10] Sin embargo, una serie de otras cuestiones sumamente emocionales tuvieron más prominencia en 1996. La investigación de la *Generación perdida* de la Comisión nacional de Derechos Humanos celebró audiencias en todo el país en las cuales innumerables aboríge-

nes relataron su separación forzosa, usualmente mediante el robo, de sus madres y su entrega a familias blancas en otro lugar o a instituciones estatales o eclesiásticas en las cuales generalmente sufrieron abusos físicos y sexuales, para no mencionar las privaciones emocionales y culturales. Se podría pensar que cualquier político moderno es lo suficientemente sensible para mantener su boca cerrada en lo relativo a esas cuestiones, pero los ministros del gobierno de Howard pusieron sal en las heridas e incluso expresaron a los medios de difusión cuán afortunados habían sido los líderes indígenas de haber disfrutado de las ventajas del mundo blanco. Muchos, o incluso la mayoría de los líderes políticos del país han sido separados de sus familias, por lo cual el gobierno dio a personas ya escépticas con respecto a sus intenciones y competencia, una fuente muy personal de amargura en sus relaciones.

En medio de esto se publicó un nuevo libro por un tal Geoffrey Partington alabando pasadas *políticas de asimilación*.[1] El autor había desenterrado argumentos en favor de la asimilación del ex estadista australiano, Paul Hasluck, y tergiversó los llamados por la autonomía indígena de otro, H. C. Coombs, como separatismo. Desafortunadamente, los medios de difusión casi no prestaron ninguna atención a los dos recientes libros del enfermo Coombs sobre el tema en discusión, sino que publicaron exigencias de que se justificara, aunque estaba silenciado por una apoplejía en ese momento.[2] Los puntos de vista de Coombs, se sugirió alegremente, habían implicado grandes dificultades para los aborígenes, quienes estaban mejor cuando los blancos administraban sus vidas. Este "debate" atrajo a los reaccionarios habituales, pero obtuvo una alarmante credibilidad cuando el ministro federal de asuntos indígenas colaboró con el lanzamiento del libro. La prensa y otros prestaron más atención al libro de la que merecía, pero como era un debate filosófico sobre política, reveló cuán reaccionarias podían ser las clases gobernantes australianas - y cuán incapaces de comprender las aspiraciones indígenas.

La subsidiaria de RTZ-CRA, *Century Inc.*, en el noroeste de Queensland, cerca del Golfo de Carpentaria, proveyó otra saga sin fin. Cuando el primer ministro de estado laborista, amigo del desarrollo (y hostil a los indígenas) posó como el profeta Elías en un monte en el desierto con ejecutivos de la Century y proclamó que ésto era el "material del cual se hacen los sueños", era más perceptivo de lo que creía (pág. 1, *Courier Mail*, 9-11-95). El *material* citado de Shakespeare era "puro aire" después de todo, y este proyecto ha sido lo mismo según parece. A pesar de que los meses se tornaron en años, mientras que la Century, los

aborígenes locales, y los políticos negros y blancos de todos lados gritaban amenazas o súplicas, mientras que los furiosos adversarios de un día son los compañeros del siguiente para abusar de los demás, todo el proyecto se escabulló de repetidos plazos finales, a pesar de que un primer ministro de la nueva Coalición apostó su credibilidad en su éxito. Más tragedia griega que shakespereana, importantes personas aparecen, hablan a media distancia, o a alguien ausente, y luego desaparecen otra vez, dejando que un coro público reasuma los lamentos sobre las dificultades de las negociaciones aborígenes y la injusticia del título nativo. Los problemas ambientales, las dudas sobre intenciones ocultas de la compañía, diferencias intergeneracionales indígenas, y la falta de un marco gubernamental han constituido serios problemas. Como Hindmarsh, Century ha ocasionado mucho daño a los intereses indígenas en general, proveyendo opositores con un caso de estudio como proyecto fallido cuando una compañía aparentemente voluntariosa no puede tener éxito, incluso cuando sigue todos los vericuetos de los procesos de negociación y aprobación. La historia completa, cuando eventualmente surja, debería ser muy instructiva.

El ministro federal, un bien intencionado cirujano mayor, ha sido quizás el más desafortunado de los actores en los acontecimientos del año. Nombrado por sus antecedentes en los servicios de salud, gracias a los cuales el gobierno de Howard llegó al poder, definiéndolos como la real cuestión aborigen que necesita atención, ha resultado poco apropiado para la vida real de la política étnica contemporánea. Cuando es atacado, él o el Primer Ministro contestan, como para finalizar el debate a su placer, jactándose de que cumplió su turno como médico en el genocidio de Ruanda. Sin duda una persona de piel oscura es bastante parecida a cualquier otra en la mente de muchos australianos, y quizás sea astuto comparar las víctimas del genocidio expulsadas de sus territorios usuales tanto en Africa como en Australia.

Después de repetidas demandas en los medios de difusión en favor de una política indígena de parte de un gobierno que va de fiasco en fiasco, el ministro fue obligado a entregar una. Sugirió que la "autodeterminación", el supuesto principio de la política indígena australiana, fuera reemplazada por el "autofortalecimiento", y que el ejército fuera a las desesperadas comunidades indígenas y construyera servicios básicos como cloacas y sistemas de agua corriente.[13] Los líderes indígenas se preguntaron inevitablmente por qué el gobierno había cortado antes los fondos para que las comunidades indígenas contrataran desocupados para realizar precisamente esta misma labor.

Cuando es confrontado, como lo es constantemente, el Primer Ministro Howard desestima las críticas políticas como partidarias implícitas o explícitas de su enemigo laborista. Según él, cualquiera que haya estado en contacto con los laboristas es sospechoso, lo cual significa todos los comprometidos en la vida pública australiana durante más de una década. Aquellos que cuestionan su política indígena u otra son injustos, no reconocen que hay una nueva forma de hacer las cosas. En realidad, su enfoque no es nuevo, sino arcaico. Si bien un enfoque de no hacer nada podía funcionar en el pasado, no puede funcionar cuando la sociedad y la política indígena han ya avanzado.

La decisión Wik

Sin embargo, al fin apareció una importante cuestión política. Mientras que el país se retiraba a las largas vacaciones estivales, la decisión *Wik* de la Suprema Corte fue anunciada el 23 de diciembre de 1996, sorprendiendo a muchos expertos al concluir que el "título nativo" podía continuar existiendo en los grandes arrendamientos ganaderos que cubren un 40% del continente australiano.

No obstante, el significado de Wik es limitado. La corte votó 4-3 que las tradiciones indígenas como las ceremonias o la recolección de alimentos podían continuar en las tierras de pasturas si estas actividades no interferían con las actividades ganaderas. Algunas de las propiedades ganaderas particulares australianas son tan grandes como países miembros de la UE. En otras palabras, la gente podía visitar un lugar sagrado si el momento y la actividad no molestaba el trabajo allí realizado. En cualquier conflicto los intereses ganaderos tenían prioridad sobre los intereses indígenas.

El pastoreo de ovejas y ganado es un importante elemento de la historia europea de Australia. Recientes políticas despiadadas gubernamentales que aplican los principios del mercado al "monte" (*bush*), así como las atracciones para los jóvenes en la vida de la ciudad y de la playa, han visto morir a muchos pueblos rurales, muchas granjas y muchos establecimientos ganaderos. Grandes partes del país han sufrido la más larga y severa sequía que se recuerda. Oír que los indígenas, antes dispersados para abrir paso a la Australia moderna, todavía podrían tener derechos legales a la tierra, pareció una broma de mal gusto a muchos blancos rurales. Su visión de los aborígenes es generalmente que éstos son simplemente un pueblo no adecuado para el mundo de hoy.

Los wik son pueblos de la costa oriental del Golfo de Carpentaria, es decir, la parte occidental de la gran Península del Cabo York en Queensland

del Norte. El Cabo York ocupa un lugar mítico en Australia. Es la "última frontera", la última tierra salvaje real, donde las selvas húmedas ecuatoriales y otros exóticos ecosistemas son casi impenetrables o inhabitables para todos menos para los aborígenes que viven allí. De la punta norte se extienden las islas del Estrecho de Torres hacia el norte y el noreste, islas cuyos pueblos melanesios representan una sociedad exótica que está más allá de las costumbres, expectativas y estilos de vida australianos. Los aborígenes del Cabo York y los isleños del Estrecho de Torres son considerados por muchos australianos como los últimos defensores de las culturas originarias australianas, la historia natural y la naturaleza intocada, siendo su región el último lugar dónde los australianos pueden ser capaces de proteger y mantener algo que no sea los panoramas industriales y el frenesí del mercado financiero que hunde al mundo.

Wik ha sido un conveniente chivo expiatorio para los gobiernos. Los políticos estatales y nacionales pueden ahora volcar la ira de los habitantes rurales contra los aborígenes en vez de contra ellos mismos y contra su radicalismo de mercado libre y otras políticas (p. ej., control de armas, transporte, racionalización de servicios y facilidades) que favorecen a la ciudad en perjuicio del campo. El gobierno de Howard estaba revisando ya la *Ley del Título Nativo de 1993*, con la intención de simplificar los procesos y restringir los derechos aborígenes. Wik ha otorgado al Primer Ministro una excusa para ponerse duro. Los primeros ministros de los estados y del Territorio del Norte, algunos de los "lobbys" rurales y ganaderos, y gran parte de la industria minera, así como la "radio malintencionada", están actuando casi con histeria. En Queensland el primer ministro excita los temores un día, y llama a la calma al otro, mientras que dirige una campaña nacional de retórica salvaje denunciando a los jueces de la Suprema Corte.[14] El primer ministro está también jactándose públicamente de sus estrategias para asegurar una mayoría senatorial anti-Wik de un escaño, originando la especulación de que el Primer Ministro extinguirá el título nativo como recompensa.

El caricaturista del periódico de Brisbane, Leahy, hizo un dibujo simple el 8 de febrero de 1997, "Wik Olímpico". Mostraba a un wik en llamas dispuesto a alumbrar los conocidos cinco anillos Olímpicos, con forma de bomba, si el gobierno extingue su título nativo. Los Juegos Olímpicos a ser celebrados en Sydney en el año 2000 son una obsesión nacional. El deporte es el logro más visible de Australia, y una de las pocas fuerzas unificadoras del país. Para estar del lado seguro, Australia

recluta estrellas atléticas e incluso equipos y entrenadores completos de países pobres o con problemas. Hace un año, sólo unos pocos activistas mencionaban la posibilidad de una vergüenza nacional cuando los manifestantes aborígenes se reúnan con los medios de difusión mundiales en las Olimpíadas, pero ahora es discutido abiertamente por blancos y negros moderados.

Las Olimpíadas, y las celebraciones del centenario de la nación australiana en el 2001, se aproximan con rapidez. La nación fue construida sobre el despojo de los aborígenes y los isleños y la explotación de sus tierras y mares. La federación de las seis colonias como estados de una nueva Australia unida dejó fuera a los pueblos indígenas. Y ahora, el Territorio del Norte espera unirse bajo las viejas reglas como una especie de regalo del centenario - otro regalo de indígenas negros a colonos blancos (ver *El Mundo Indígena, 1995-96*, pág. 130).

Conclusión y perspectivas

El gobierno federal de Howard está conduciendo una retirada, una alegre retirada para la mayor parte de los gobiernos de los estados y territorios, de la reunión de Australia con el mundo en la política indígena lograda lentamente y en forma acumulada por los gobiernos laboristas y de la coalición bajo Holt, Whitlam, Frase, Hawke y Keating. Los políticos "inteligentes" de Australia creen que las reformas aborígenes e isleñas fueron tontamente promovidas por el gobierno laborista en el poder en forma nacional, de 1984 a 1996, y que jugaron una parte importante en la derrota de ese gobierno. En realidad, sólo el primer ministro laborista y el ministro de asuntos indígenas han hablado públicamente sobre estos temas, marcando así un nuevo estilo político. Ellos ayudaron a Australia a ponerse a tono con el resto del mundo desarrollado, pero no eran de ninguna manera descarados. *El Mundo Indígena 1993-94* comentaba sobre la peligrosa fragilidad de tal esfuerzo oficial (ps. 83, 87). Mientras tanto, el primer año del gobierno de Howard en política indígena ha sido una espantosa sucesión de lecciones no aprendidas y humillaciones diarias. Su característica más obvia es el deseo sin límites de la Coalición de ser tomada seriamente a través de que se la vea poner su sello en los asuntos públicos, incluso si tienen que pintar las rosas del jardín o darles un nuevo nombre. No ha habido evidencia de que el gobierno comprenda la identidad, las aspiraciones o la etnopolítica indígena.

Desde marzo de 1996, muchas voces se han alzado en los medios noticiosos, periódicos, iglesias y reuniones públicas hablando en favor

de los aborígenes e isleños en contra de los ataques de los líderes del gobierno, los que elaboran las políticas y los populistas simples o cínicos. La comunidad está reivindicando la conciencia nacional sobre la política indígena de los expertos y gobiernos. Sin embargo, la amplitud del interés y apoyo activo mundial de los derechos indígenas es poco conocido en Australia, y por lo tanto, un recurso inexplotado. La respuesta habitual a la crítica extranjera es que Australia tiene un registro de derechos humanos tan bueno como los países que la critican. La respuesta a eso puede ser que también tiene el peor registro de resultados socioeconómicos entre los pueblos indígenas de cualquier país del "primer mundo", un récord que es peligrosamente persistente, mientras que su exclusión de los asiáticos de la inmigración y de los indígenas de la ciudadanía, del pasado reciente, requiere una gran cantidad de pruebas a los ojos de los vecinos asiáticos, y de los amigos europeos o norteamericanos.

Es irónico que los pueblos que son más pura y exclusivamente australianos -los aborígenes e isleños del Estrecho de Torres- sean los que probablemente más enseñen a los gobiernos y al público con intereses culturales del extranjero que la era del aislamiento continental y de la reivindicación de exenciones morales ha acabado. No tienen más opción que apelar al mundo. En su país, su reciente renacimiento como comunidades políticas y culturales autoconcientes está bajo un sostenido ataque gubernamental; sus pocos derechos tardíamente reconocidos están siendo desacreditados y retirados por los líderes nacionales (como el sistema legal que los reconoció); y están otra vez por ser personas desafortunadas y enfermas a quienes se les otorga un cuidado benevolente y firme -¡atención con descuento!- en la periferia del mundo del hombre blanco, mientras que se confirma el poder y la seguridad de aquellos que han usurpado sus territorios para ganarse a duras penas incluso la vida pastora más marginal. Los observadores podrán preguntarse si el deseo de Australia de hacerse más aceptable frente a los gobiernos asiáticos, p. ej., rechazando las referencias a los derechos humanos en los tratados con la Unión Europea, incluye rechazar la conciencia de derechos humanos europea posimperial y el retorno al estilo del siglo XIX del desarrollo desenfrenado de explotación de recursos en territorios de pueblos indígenas, sin su consentimiento.[15]

Notas

1) *The Weekend Australian* y *Sydney Morning Herald* publicaron encuestas exhaustivas en el fin de semana del 1-2 de marzo de 1997, como parte de su torrente de comentarios sobre la revisión del primer año en el poder de Howard. A pesar de las diferencias metodológicas y de las preguntas, ambas encuestas coincidían en los puntos principales, incluyendo los asuntos indígenas.

2) Los votantes fueron prevenidos. En el año anterior a las elecciones, el ex jefe del equipo de Howard publicó un libro en el que trató la incapacidad de Howard para comprender o aceptar una diversidad social y cultural (Henderson G, 1995: *A Howard Government? Inside the Coalition*, Harper Collins, Sydney).

3) "Curando los males del Laborismo" por Gary Johns, Courier-Mail, 4-3-97. Sin duda otros en el partido piensan que las mujeres, además de ser la mitad de los votantes, merecen atención.

4) Sullivan P. (ed): *Shooting the Banker: Essays on ATSIC and Self-Determination*, Unidad de Investigación sobre el Norte de Australia de la Universidad Nacional de Australia, Darwin. El ensayo final de Sullivan, "Todas las cosas para todo el pueblo: ATSIC y la obligación internacional de Australia de mantener la autodeterminación indígena", págs. 105-129, es especialmente valioso para lectores del extranjero.

5) *Violencia racista: informe de la investigación nacional sobre la violencia racista en Australia*, Comisionado para la Discriminación Racial, Comisión de Derechos Humanos e Igualdad de Oportunidades, Camberra, 1991.

6) Ver *Sobre el TSRA: Informe Anual, 1995-1996*; y *Plan Corporativo*, incluyendo Objetivos para 1996-2000, publicado por la Autoridad Regional del Estrecho de Torres, Thursday Island, Queensland, 1996.

7) Sobre el proyecto petrolero ver Kennedy D. 1996: "Development or Sustainability at Kutubu, Papua New Guinea?", *Resources, Nations and Indigenous Peoples: Case Studies form Australasia, Melanesia and Southeast Asia*, ed. Howitt R., Connell J. & Hisrch P., Oxford University Press, Melbourne, 236-250.

8) Ver Loos N. & Maabo K. 1996: *Edward Koiki Mabo: His life and struggle for land rights*, University of Queensland Press, Brisbane; y Sharp N., 1996: *No Ordinary Judgment: The Murray Islanders' Case*, Aboriginal Studies Press, Camberra. Se están escribiendo más libros.

9) Comentario de Samuel Beckett, 1933, a un amigo, citado en la página 170, Knowlson J. 1996: *Damned to Fame: The life of Samuel Beckett*, Broomsbury, Londres.

10) Mencionado en la edición del año pasado págs. 128-9. Los lectores del extranjero pueden encontrar una cronología básica de acontecimientos en Brunton R., 1996: "The Hindmarsh Island Bridge and the credibility of Australian anthropology", *Anthropology Today*, Vol. 12, No. 4, agosto 1996, 2-7. Se ha publicado por lo menos un libro y le seguirán seguramente más, pero el nuevo gobierno está comprometido con el tema y cualquier conclusión es prematura. En el mismo período hubo otro escándalo nacional cuando una

solitaria niña escolar de padres ingleses publicó una supuesta memoria familiar sobre los genocidios de la época nazi en Ucrania. Es de esperar que ambos casos sean discutidos juntos para tener una impresión de la sociedad australiana de los tiempos modernos.

11) Partington G., 1996. Hasluck vs. Coombs: *White Politics and Australia's Aborigines*, Quaker's Hill Press, Sydney.

12) Coombs H.C., 1994: *Aboriginal Autonomy: Issues and Strategies*, Cambridge University Press. Coombs H. C., 1996: *Shame on Us! Essays on a future Australia*, Centro de Estudios sobre los Recursos y el Medio Ambiente, Universidad Nacional de Australia, Camberra.

13) Herron J. 1996. *Joe and Dame Enid Lyons Memorial Lecture (1996)*, declaración sobre política indígena del Senador John Herron, Ministro de Asuntos Aborígenes y de Isleños del Estrecho de Torres, Mancomunidad de Australia, en la Universidad Nacional de Australia, Camberra, noviembre 15, 1996.

14) El *Informe de las 7:30* en la televisión ABC, 28 de febrero, trató la campaña conducida por Queensland contra la justicia a la luz de los fallos de 15 años de casos sobre derechos indígenas incluyendo a *Koowarta, Mabo* y *Wik*, que han puesto a los derechos indígenas en los dientes de las políticas raciales oficiales de Queensland.

15) Un nuevo libro de estudios revela que de todas maneras existen pocas razones de optimismo - Howitt R. Connel J. & Hirsch P., 1996: *Resources, Nations and Indigenous Peoples: Case Studies from Australia, Melanesia and Southeast Asia*, Oxford University Press, Melbourne. La introducción de los editores es una buena discusión sobre la escala y la naturaleza de los problemas de hoy.

Fuentes:

Además de muchas discusiones durante todo el año con organizaciones indígenas, funcionarios no-indígenas, políticos, académicos, periodistas, abogados, y varios otros, las principales fuentes de noticias son los periódicos *The Australian* y *Brisbane Courier-Mail*, y sus ediciones dominicales, así como noticias televisivas, p.ej., las cadenas de televisión comerciales Nueve y Diez y las cadenas independientes de propiedad estatal ABC y SBS. Fue también consultada una amplia gama de literatura general y especializada, así como trabajos de conferencias, trabajos en proceso, etc.

Periódicos y revistas (incluyendo los comentarios políticos de The Contemporary Pacific y Pacific News Bulletin), comunicación por Internet y páginas web, artículos y trabajos de discusión, comunicación personal.

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1. Kazakh

2. Uygur

3. Kyrgyz

4. Mongol

5. Dai

6. Naxi

7. Tao (Yami), Rukai

ASIA ORIENTAL

CHINA

El año 1996 fue un año de creciente inquietud étnica en China. Ya al comienzo de año, la dirección del partido utilizó fuertes palabras contra las supuestas conspiraciones anti-chinas que tenían como objetivo el sembrar la discordia étnica y dividir la madre patria. Esto fue continuado por los líderes regionales, como el secretario del partido de Mongolia Interior, el chino han Liu Mingzu, quien fustigó a las hostiles fuerzas occidentales que se aprovechaban de la situación étnica de China con el propósito de la infiltración, el sabotaje y la actividad subversiva (Neimenggu ribao, 3 de junio, 1996).

Como existen varios grupos étnicos exilados que siguen una línea más activista de actividades, algunas de las acciones más cuidadosamente elegidas pueden ciertamente haber sido iniciadas, o al menos inspiradas por círculos en el exilio. Sin embargo, la interpretación oficial estándar ve a todos los tipos de criticismos foráneos como conspiraciones, y parece incapaz de ver la inquietud y el descontento como un resultado de su propia política. Esto ha dado surgimiento a más políticas represivas de parte del régimen, y también más corrientes populistas entre los chinos han. Volveremos a este tema más adelante.

La descripción oficial de las condiciones en las regiones donde hay minorías es todavía de "Una gran familia de unidad y progreso", un título que se supone caracteriza las condiciones en Xinjiang (Beijing Review, 15 de enero, 1996). Las regiones de minorías están siendo cada vez más integradas al sistema económico nacional e internacional. Esto puede verse a partir de una breve investigación del desarrollo de las ciudades de Urumqi (Xinjiang), Hohhot (Mongolia Interior), Lhasa (Tibet) y Yanji (provincia de Jilin, coreanos) (Beijing Review, 23 de septiembre, 1996). Otra característica notable del desarrollo en las regiones de minorías es que el sistema educacional se está deteriorando rápidamente, dejando a los jóvenes de origen minoritario cada vez más de lado. Esto fue destacado en un informe de uno de los vicepresidentes del Congreso Nacional del Pueblo, Buhe, quien es un *mongol* (Guangming ribao, 3 de noviembre, 1997).

Se está dando una interesante tendencia de creciente conciencia en muchas de las nacionalidades. Mientras que los elementos de

la cultura tradicional antes habían sido aplicados para "folclorizar" a las diversas nacionalidades por parte de los chinos han, los elementos culturales tradicionales de su propia elección están siendo ahora promovidos como signos de identidad, como la religión popular tradicional Tomba de los *naxis* en el suroeste de China. Entre las nacionalidades que viven una continuidad cultural trans-fronteriza, el ejemplo "avanzado" de sus remotos primos del otro lado de la frontera está siendo usado como una prueba del gran potencial de su propia reserva cultural. Ejemplos de ésto lo constituyen los coreanos de la provincia de Jilin, en el noreste, quienes utilizan el ejemplo de Corea de Sur para mostrar la potencial superioridad de los coreanos - incluso sobre los chinos han, y los *dais* de Sipsong banna, en Yunnan, quienes destacan que su propio budismo Therevada es bastante compatible con el desarrollo de una sociedad moderna, como lo ilustra ampliamente el ejemplo de Tailandia.

Xinjiang

Los antagonismos étnicos en Xinjiang están escalando constantemente. La situación ha sido caracterizada por algunos observadores como habiendo llegado a la situación de un conflicto guerrillero de baja intensidad. Indudablemente, enfrentados con la total superioridad numérica y tecnológica de las fuerzas armadas chinas, la resistencia étnica no será capaz de desarrollarse más allá de un conflicto guerrillero de baja intensidad. Sin embargo, es dudoso que la actual situación pueda ser caracterizada como tal, porque muchas de las protestas y agravios no están motivadas por un deseo de independencia de China, sino más bien por cuestiones como protestas contra la creciente inmigración de chinos han, los límites de natalidad, la degradación ambiental y temas como la libertad religiosa y la falta de una real autonomía.

No obstante, el Xinjiang ribao informó que sólo durante el período de febrero a junio de 1996, hubieron cinco incidentes serios, 2.773 sospechosos de terrorismo fueron apresados y se confiscaron 6.000 libras de explosivos y 31.000 municiones. Los tres incidentes más serios fueron el bombardeo de un jeep militar, una bomba contra una instalación militar, y el asesinato del vice-presidente de la Conferencia Consultiva Política Popular de Xinjiang.

Dos hombres *uighur* hicieron explotar un jeep militar con una bomba casera en la capital de Xinjiang, Ürümqi, en febrero de 1996. El principal acusado, un experto autodidacta del Corán de 28 años,

fue sentenciado a muerte por la suprema corte de Xinjiang y ejecutado el 28 de abril de 1997. Su cómplice fue sentenciado a condena de muerte suspendida, la cual es generalmente cambiada a prisión perpetua. Un grupo exilado de uighur en Kazakhstán informó además que fue puesta una bomba el 10 de marzo en uno de los edificios de una fábrica de armas a mitad de camino entre Ürümqi y Kashgar.

Además de las bombas, hubo otro tipo de resistencia espectacular en 1996, el asesinato deliberado de gente prominente que estaba marcada como colaboradores de los chinos han. El más conocido de estos hechos fue el asesinato de Akenmu Sidike, quien era vicepresidente de la Conferencia Consultiva Política Popular de Xinjiang.

Como la mayoría de los lectores de este informe estarán ya al tanto, los disturbios en Xinjiang han escalado en 1997. Por lo tanto, los chinos están enfrentado una situación que se torna más y más compleja de manejar. La apertura de Xinjiang al mundo ha resultado ciertamente en un marcado desarrollo económico y modernización, pero esto ha beneficiado a los chinos más que a los habitantes indígenas, creando así nuevas animosidades. Esto ya ha tenido un impacto negativo sobre el turismo, pero, hasta ahora, no lo ha tenido en las inversiones comerciales extranjeras. P. ej., en marzo de 1996, la multinacional canadiense (Northern Telecom) ganó un contrato para establecer el primer Sistema Global para Comunicaciones Móviles (GSM), la red digital celular, en Xinjiang. La red fue lanzada en Ürümqi ya en julio de 1996, y el objetivo es extenderla hasta cubrir toda la región con 200.000 abonados, para el año 2000.

Los regímenes de las nuevas Repúblicas Asiáticas Centrales, especialmente Kazakhstán y Kryrgyzstán, han hecho hasta ahora causa común con el gobierno chino en combatir los llamados a la independencia uighur, aunque la actividad asociativa como la Asociación Uighur Inter-República en Almaty, Kazakhstán, ha obtenido permiso para funcionar. Estos regímenes han sido también muy cuidadosos de no instigar el malestar étnico entre los *kazakhs* y *kyrgyz* de Xingjiang.

La más numerosa y activa comunidad uighur en el exilio se encuentra en Turquía, que tiene una tradición a este respecto anterior a la fundación del PRC. El último de los líderes sobrevivientes de la ex República de Turquestán (1944-1949), Isa Yusuf Alptekin, murió en su hogar en Estambul, el 17 de diciembre de 1995 a los 94 años de edad. Antes en el mismo año, un nuevo parque en el distrito

Sultanahmet (Mezquita Azul) fue bautizado Alpetkin, y se erigió un memorial. La embajada china en Ankara presionó al Ministerio de Relaciones Exteriores de Turquía para que retirara el nombre y el memorial, pero sin resultados.

Para aquellas personas interesadas en más información sobre la historia, cultura y tradiciones de Xinjiang, podemos recomendar el siguiente libro: Thomas Hoppe: Die etnischen Gruppen Xinjiangs. Institut für Asienkunde, Hamburgo 1995.

Mongolia Interior

1996 contempló una serio estallido de represiones a disidentes *mongoles*. Comenzó con el arresto del mongol Hada, de 41 años, el 10 de diciembre de 1995. Hada tenía una librería mongólica en Hohhot, la capital de la región Autónoma de Mongolia Interior, y era la cabeza de la recientemente organizada Alianza para la Democracia de Mongolia del Sur. En los días siguientes, fueron detenidas más personas, entre otros Heilong, de 32 años y presidente adjunto de la alianza, y Baoqingshan, de 32 años, físico y secretario de la alianza. Esto provocó manifestaciones espontáneas de estudiantes en Hohhot el 16 de diciembre y el 30 de diciembre, resultando en más arrestos, entre ellos la esposa de Hada, Xinna. Se dice que al menos treinta personas fueron arrestadas a comienzos de 1996. Hacia fin de año, Hada fue juzgado y sentenciado a 15 años de prisión por supuestas actividades separatistas y de espionaje. Otro disidente, Tegexi, recibió diez años de prisión. Los disidentes de Mongolia Interior describen su región como Mongolia del Sur en vez de Mongolia Interior, porque la última mencionada apelación ve la región desde China, mientras que la primera mencionada ve la región desde la misma Mongolia.

Irónicamente, un libro que fue publicado en Beijing en 1996 daría a los disidentes buenas razones para su animosidad histórica contra los chinos. Escrito por el mongol Tumen, y titulado "Kang Sheng y el falso caso de 'El Nuevo Partido Revolucionario Popular de Mongolia Interior'", el libro reveló las atrocidades de los chinos en Mongolia Interior durante la Revolución Cultural. El libro fue publicado por la Escuela Central del Partido y tenía la intención de revelar las maquinaciones del ex Ministro de Seguridad, Kang Sheng, pero las revelaciones sobre las torturas generalizadas eran evidentemente tan grotescas que el libro fue pronto sacado de circulación.

Aumento del nacionalismo chino

Durante la era de Deng, el Partido Comunista Chino cambió gradualmente su legitimación ideológica del socialismo al nacionalismo. Aunque tal cambio es una clara expresión de una crisis ideológica, existen varias razones de por qué tal cambio puede resultar beneficioso para el partido Comunista, el cual habla cada vez más en el lenguaje de un partido "Nacionalista".

En primer lugar, la revolución conducida por los Comunistas en 1949 no fue sólo una revolución política sino que era generalmente percibida en la misma medida como una liberación nacional que terminó los llamados "Cien años de humillación", cuando China estuvo dominada por los poderes coloniales.

En segundo lugar, los chinos han sido caracterizados por haber tenido históricamente una identidad primaria cultural en vez de una identidad primaria étnica. La presunción es que cualquier persona, no interesa cuál sea su origen étnico, puede convertirse en un miembro pleno de la sociedad china si la persona adhiere a las normas culturales confucionistas. Por otro lado, los chinos tienen también una muy fuerte tradición de un sentido de superioridad cultural, la cual, cuando se somete a un examen más próximo, está más basada en la identidad étnica que en las preferencias culturales.

Durante el período maoísta, China estaba más dominada por lo que se puede llamar el estatismo o el nacionalismo oficial, y el nacionalismo étnico fue mantenido a bajo nivel. Sin embargo, durante los años Deng, el nacionalismo étnico se ha hecho más y más evidente, y ha sido alentado cada vez más por el partido Comunista. La evidencia más clara de este cambio se encuentra en el renovado énfasis sobre el concepto de Zhongua minzu, que significa "El pueblo chino". Este es un término que fue acuñado en los primeros días del nacionalismo chino alrededor de fines de siglo. El problema es que el término es sumamente ambiguo. En su sentido original y estricto, significaba los chinos han, pero en su uso posterior y dominante, significa toda la gente que vive en China, incluyendo así también a los pueblos indígenas (el término se ha convertido en la apelación dominante en los círculos políticos de Taiwán). Hoy es usado en el mismo sentido como el término "El pueblo soviético" era usado en sus días. No es de extrañar que esto ha originado nerviosos sentimientos de resentimiento entre los pueblos minoritarios, que ven ésto como un claro cambio ideológico que podría

socavar aún más los ya limitados derechos autónomos de estos pueblos.

TAIWÁN

La lucha del movimiento aborigen de Taiwán durante los pasados años ha sido un viaje por un sendero montañoso escabroso. El período 1995-1996 trajo dificultades a los trabajadores de los movimientos aborígenes de Taiwán debido a las persecuciones políticas posibilitadas por "La ley del paradigma de la reunión" de la judicatura del régimen Nacionalista (KTM).

Dos líderes aborígenes fueron encarcelados por el régimen del KMT en 1995 y 1996: el Rev. Mayaw Kumu, arrestado el 19 de mayo de 1995; liberado bajo fianza antes del día de Navidad de 1995, y el Sr. I-Ciang (Liu, Wen-Shiong), uno de los líderes de la Alianza de Aborígenes de Taiwán (ATA), quien fue arrestado el 7 de noviembre de 1995 y liberado bajo fianza en julio de 1996.

A pesar de los problemas financieros, ATA logró mantener un servicio activo para los pueblos indígenas de Taiwán durante todo 1996.

En respuesta a la lucha incondicional de los pueblos indígena de Taiwán, el gobierno del KMT ha creado varios comités aborígenes a diversos niveles administrativos en 1996:

1. El comité aborigen del gobierno Municipal de Taipei. Fue fundado por el gobierno municipal de Taipei el 16 de marzo de 1996. Esta es la primera vez que el nombre de comité aborigen fue reconocido por el gobierno de Taiwán desde el comienzo del movimiento aborigen.
2. El Comité Central Aborigen de Taiwán, fundado en diciembre de 1996.
3. EL Comité Provincial Aborigen fundado en 1996.
4. el Comité Municipal Aborigen de Kau-Shiong fundado en 1996.

Problemas y temas más urgentes

La tierra de los pueblos aborígenes de Hua-Lien está expuesta a una severa contaminación ambiental a causa de una fábrica de cemento. Los pueblos aborígenes y los grupos por la protección ambiental han intentado que se detengan las operaciones de la fábrica, pero perdieron el caso.

El gobierno de la Provincia de Pintong planea construir el embalse de Machia para proveer agua a la gran área provincial de

Kau-Shiong. Los *rukai* perderán su tierra, pero están dispuestos a unirse para defender su territorio.

El gobierno está todavía decidido a mantener la operación y aumentar la deposición de desechos nucleares en Lan-Yu. Para los *tao (yami)* esta es una lucha por la vida.

El movimiento "Devuelvan mi tierra" continúa su trabajo a pesar de tremendas dificultades. A la luz de las positivas experiencias realizadas, decidió celebrar más conferencias sobre el tema.

Se fundó un comité preparatorio para la elaboración de un plan para establecer el Consejo Nacional y la Autonomía Nacional antes del año 2000, y se celebraron dos reuniones en 1996.

1. Karen

2. Rungus

3. Dusun

4. Murut

5. Penan

6. Iban

7. Orang Asli

8. Dayak

9. Behoa

10. Haruku islander

11 Kawera, Namunaweja,Anggreso, Manau, Bauzi, Dani

12. Ibaloi

13. Bugkalot

14. Ayta

15. Ati

16. Tggbanua, Palaw'an, Batak

17. B'laan

ASIA SURORIENTAL

TAILANDIA

Los pueblos tribales de Tailandia han vivido tradicionalmente en las tierras altas del norte y del oeste, a lo largo de las corrientes de agua y practicando la agricultura rotativa. Tenemos diferentes sistemas de cultivo para cada estación y tenemos ceremonias para pedir perdón y agradecer por molestar al suelo. Manejamos conscientemente nuestros recursos naturales y fauna. Los líderes locales mantienen la paz y las relaciones dentro de las comunidades. Hemos vivido juntos, pacíficamente con la tierra, el agua, los bosques, y los animales, bajo el principio de *"usar y conservar"*. Hemos hecho esto durante cientos de años.

La época del tratado Bowring de 1855 tuvo un impacto definido sobre la tierra, el agua, los bosques y los animales de Tailandia, particularmente en el norte. Este tratado permitía a personas del oeste cortar los árboles de teca, tradicionalmente bajo el cuidado nuestro y de nuestros ancestros. Esta destrucción de los bosques de teca continuó hasta que el gobierno Thai aprobó la primera ley forestal en 1941. Lo que quedó fueron árboles de mala calidad y tocones que sirven de recuerdo y de fuente para futuras concesiones madereras thai.

En las áreas de llanuras de las tierras bajas, los bosques desaparecieron rápidamente ya que los árboles alimentaron las fábricas y la industria. Esto dejó a la tierra solamente apta para el cultivo de la cassava y la caña de azúcar y una disminución aún mayor de la fertilidad. El resultado fue la limpieza de nuevas tierras agrícolas en áreas inmensas durante el período de los primeros Planes Nacionales de Desarrollo Económico y Social de la nación. Finalmente, el gobierno reconoció la dimensión de la destrucción y aprobó la Ley Nacional de Protección de la Fauna en 1960, la Ley de Parques Nacionales en 1961, y la Ley Nacional de Reserva Forestal en 1964.

Aproximadamente al mismo tiempo, las comunidades del norte de Tailandia comenzaron a cultivar nuevas cosechas de China que

Los pueblos indígenas de los bosques de Tailandia enfrentan un futuro inseguro: mujer karen de la provincia de Chiang Mai. (Foto: Chris Erni)

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requerían un clima más fresco de tierras altas. Esto se hacía frecuentemente en la proximidad de fuentes de agua tradicionalmente protegidas y, entonces, los líderes aldeanos se opusieron a estos cambios, enviando el equipo de trabajo forestal que ellos confiscaron, a las autoridades locales. Pero esto probó ser inútil frente a fuerzas tan influyentes, en alianza con funcionarios del gobierno, y los bosques antes protegidos por las comunidades de la montaña quedaron desnudos.

La lucha de las comunidades

A consecuencia de la devastación de los bosques generada por la introducción de nuevas cosechas, el gobierno se sensibilizó más ante el problema y movilizó a organizaciones thai y extranjeras con el objetivo del desarrollo y la reforestación. Desafortunadamente, los métodos eran foráneos y la reforestación de los bosques se realizó frecuentemente en tierras de cultivo ya existentes de las montañas. Entonces, surgieron nuevos y más complicados problemas que continúan aún hoy. Por ejemplo, el uso de materias químicas tóxicas y la erosión del suelo. Problemas totalmente ajenos a los originales cultivos rotativos.

Hasta la fecha, el gobierno ha establecido 41 áreas de refugio de la fauna y está preparando otras 5, con un área total de 2.860 hectáreas. Hay también otros 75 parques nacionales, y más de 40 que están por ser inaugurados en áreas ya habitadas por comunidades locales establecidas allí durante largo tiempo. El gobierno tiene la intención de preservar sus bosques mediante un sistema de clasificación. Todas las áreas de 600 metros o más sobre el nivel del mar, con una pendiente de 35° pertenecen a la Clase 1A y se prohíbe la ocupación humana. Las aldeas existentes deben ser reubicadas. Las áreas totales que caen dentro de este nuevo sistema de clasificación son: Clase 1A 1,12; Clase B 8,32; y Clase C 14,08 millones de hectáreas. Todas estas áreas contienen comunidades existentes de montaña que sufrirán las consecuencias. La política gubernamental oficial es de "separar a la gente (comunidades) de los bosques" y se han tomado medidas para asegurar que ésto se haga. Por ejemplo, la finalización del desarrollo infraestructural, de la construcción de escuelas y establecimientos para la salud, arrestos de personas que practican la agricultura y prohibición de materiales para la construcción de viviendas.

Los injustos resultados y perjuicios recibidos por los aldeanos montañeses los han motivado a buscar alternativas. Se han dirigido

a organizaciones no gubernamentales de desarrollo, académicos, y a los medios de comunicación. Durante 1991-1993, se realizó investigación práctica sobre "Bosques comunitarios en Tailandia, un enfoque desarrollista". Los resultados subrayaron los conflictos entre los estilos de vida tradicionales y la política y legislación del gobierno, y el desconocimiento y la violación de los derechos de los aldeanos por parte de las autoridades. También se encontró que las comunidades locales poseían la capacidad de manejar los recursos, lo cual habían estado practicando durante un considerable período de tiempo. Había más de mil comunidades forestales existentes en el país. El resultado fue la promulgación de la Ley Forestal Comunitaria, la cual desgraciadamente tiene una serie de limitaciones. Por ejemplo, los bosques comunitarios sólo pueden ser localizados en reservas forestales nacionales, lo cual no se ajusta a la realidad, porque muchos de los mismos se encontraban en áreas recientemente clasificadas como 1A. La redacción de esta ley careció de consulta pública y desestimó la sabiduría local y la experiencia de las comunidades de las montañas. Así, ahora tenemos una Ley Forestal Comunitaria desconectada de la realidad y que no encara las necesidades locales. En respuesta, los representantes aldeanos, las ONGs y los académicos redactaron una Ley Forestal Comunitaria Popular, pero esta no fue aceptable para el gobierno.

En 1994, los aldeanos establecieron la Red Agrícola del Norte, para comenzar a buscar soluciones para los problemas agrícolas. Y por primera vez en la historia se reunieron desde el 18 de abril al 3 de mayo de 1995 (durante el gobierno de Chuan Leekpai) para hacer un llamado por el reconocimiento de sus derechos. El resultado de estas negociaciones fue una decisión gubernamental de redactar una nueva Ley Forestal Comunitaria y el establecimiento de un Comité para la Solución de los Problemas Forestales. Pero antes de que se pudiera tomar alguna acción, el Parlamento fue disuelto y un nuevo gobierno fue electo.

Estos conflictos relativos a la Ley Forestal Comunitaria no pudieron ser resueltos durante el gobierno de Chuan Leekpai y se completó otra redacción de la Ley el 11 de abril de 1996. Esta recibió la aprobación del Gabinete el 30 de abril de 1996 (durante el gobierno de Banhan Silpa-acha) e iluminó inmediatamente los espíritus de los residentes de las tierras altas. Luego los límpidos cielos se nublaron cuando cuatro organizaciones conservacionistas -la Fundación Sueb Naksathian, la Fundación del Mundo Verde, la

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Fundación Thammanat, y la Sociedad para la Conservación de las Artes y el Medio Ambiente- expresaron una total oposición al establecimiento de bosques comunitarios en las vertientes de agua de Clase 1A. Los residentes de las tierras altas no podían aceptar ésto, ya que una gran cantidad de sus comunidades habían sido designadas dentro de esos límites 1A. La aceptación hubiera sido equivalente a la reubicación de sus hogares. Cuando fallaron una serie de negociaciones, el gobierno acordó una "Audiencia Pública sobre la Ley Forestal Comunitaria", en octubre de 1996. Sin embargo, no sucedió nada porque el gobierno de Banhan disolvió el Parlamento.

La Convención del Partido de los Pobres y de las Nuevas Aspiraciones

Cada grupo tenía su propio problema particular y causa, ninguno de los cuales fueron resueltos en términos concretos. Como resultado, los pobres, que estaban impactados, se unieron para establecer su propia red de trabajo en diciembre de 1995, llamando a este organismo la "Convención de los Pobres".

Cuando el Partido de las Nuevas Aspiraciones recibió el mayor número de votos en la reciente elección, su líder, el General Chavalit Yongchaiyuth, se convirtió en el Primer Ministro y prometió resolver los problemas de los pobres. La Convención de los Pobres, con 20,000 participantes, se reunió frente a la Casa de Gobierno el 25 de enero de 1997, para negociar con el gobierno sobre seis temas importantes:

1. Tierras y bosques
2. Represas
3. Proyectos de desarrollo del gobierno
4. Barrios bajos
5. Discapacidades relacionadas con el trabajo y el medio ambiente
6. Redes de trabajo agrícolas alternativas

La Red de Trabajo Agrícola del Norte se incorporó a las negociaciones sobre tierras y bosques. La intención fue redactar un plan claro, concreto y práctico, para la solución del problema. Las negociaciones con los representantes del gobierno fueron sumamente lentas, porque el gobierno no era serio en cuanto a encontrar una solución. Más bien, tenía esperanzas en dilatar el proceso hasta que los aldeanos se cansaran, para así adulterar las intenciones de los agricultores. Un grupo de participantes sintió tanta presión que 10 de ellos se quitaron la vida. Uno de ellos era un *karen*, cuyas tierras

fueron apropiadas por un parque nacional. Decidió poner fin a su vida saltando de un tren cuando retornaba al norte con sus parientes de la Casa de Gobierno. Esto ocurrió el 5 de marzo de 1997, después que el Ministro de Agricultura confirmó que todas las personas de las vertientes de Clase 1A debían ser reasentadas.

Antes de suicidarse, destacó a un amigo íntimo, "nuestros hogares, nuestros bosques. Los hemos cuidado desde el tiempo de nuestros ancestros. ¿Por qué nos tienen que amedentrar de esta manera? ¿Por qué seguir cuándo el gobierno no tiene interés en nosotros? Nos vamos a casa y seremos expulsados de nuestros bosques. Es mejor morir."

Desde su propio establecimiento, el 25 de enero de 1997, hasta el presente, el gobierno conducido por el General Chavalit Yongchaiyuth aprobó una resolución de Gabinete llamando a una solución para todos los problemas y para todos los grupos el 19 de abril de 1997. Los aldeanos se sintieron satisfechos y se fueron a sus casas el 2 de mayo de 1997, creyendo que este era el día final de la reunión de la Convención de los Pobres.

En cuanto a la recomendación de la Red de Trabajo Agrícola del Norte relativa al problema de la tierra y los bosques, 107 aldeas enumeraron seis acciones separadas a ser tomadas:

1. La inmediata abolición de la política gubernamental de traslado de áreas forestales.

2. Investigaciones y pruebas de residencia de los aldeanos antes del establecimiento de parques nacionales, refugios de la fauna, y vertientes de Clase 1A. Si se prueba una residencia previa, el Departamentò Forestal y otras agencias responsables anularán todas las reglamentaciones que prohíben la residencia y el cultivo y afirmarán los derechos agrícolas y a la residencia de acuerdo a la ley.

3. Investigación y prueba de derechos y afirmación de derechos:
   * Se establecerá un comité con la responsabilidad de investigar y afirmar los derechos. Este comité estará compuesto por representantes de las agencias gubernamentales pertinentes y de la gente afectada, por cantidades iguales.
   * Las personas que son investigadas deben ser aquellas que son verdaderos residentes de las áreas en cuestión.
   * Los criterios para la investigación y afirmación incluyen el cumplimiento de al menos uno de los puntos siguientes:

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* Evidencia de uso fructífero de la tierra.
* Estructuras hechas por el hombre, árboles frutales o árboles perennes.
* Confirmación de la situación por un miembro de la casa comunitaria.
* Documentación oficial, incluyendo: S.K. 1, PBT. 5., registro, etc., u otra documentación que muestre una residencia anterior o uso fructífero de la tierra.

* Criterios para la afirmación de derechos. La agencia responsable afirmará los derechos de los residentes según lo siguiente:
* Para residentes con evidencia suficiente para garantizar la emisión de documentación oficial de acuerdo con las leyes que regulan la tierra, es decir, S.K. 1, el Departamento de Tierras emitirá el documento apropiado lo antes posible.
* Para residentes sin suficiente documentación de propiedad de la tierra, debe ser emitido un SPK.4-0-1 lo más rápido posible.

4. Con respecto a los bosques comunitarios existentes que los aldeanos han mantenido de una manera sustentable, los derechos de la comunidad a esos bosques y a su uso serán oficialmente reconocidos. No deberán haber arrestos, amenazas o invasiones de estas tierras por parte de las autoridades. Cuando la Ley Forestal Comunitaria sea aprobada, se retirará el estatus de conservación forestal y se legalizará el estatus de bosques comunitarios.

5. Durante el proceso de corrección del problema forestal, a los aldeanos les será permitido continuar residiendo y cultivando sus tierras tradicionales sin amenazas, arrestos o invasiones por parte de funcionarios. Al mismo tiempo, les será permitido desarrollar facilidades públicas, tales como construcción de viviendas y mejoras de caminos, sistemas de agua y electricidad.

6. Será nombrado un comité y se lo hará responsable de controlar la corrección de la situación de acuerdo con los resultados de las negociaciones. El Primer Ministro o el Ministro delegado funcionará como presidente del comité, con representantes de las agencias gubernamentales pertinentes y los aldeanos afectados funcionarán como miembros del comité en cantidades iguales.

En este momento estamos esperando acciones concretas, tal como lo prometió el Gabinete. Exhortamos a las autoridades a resolver

este problema de acuerdo con la resolución del Gabinete del 29 de abril de 1997.

Después de la disolución del Parlamento bajo el gobierno de Banhan, se programó otra audiencia pública sobre la Ley Forestal Comunitaria para el 29 de mayo de 1997, bajo el gobierno del General Chavalit. No tenemos idea de cuáles serán los resultados de esa audiencia, pero esperamos que la ley sea finalmente aprobada y el problema de las tierras altas sea resuelto. Los aldeanos recibirán los derechos al manejo de estos recursos que fueron apropiados por las autoridades, a través del Departamento Forestal, hace 100 años. Los bosques les serán devueltos tal como lo expresa la política gubernamental sobre la descentralización de la autoridad a niveles locales. Y los pueblos de las montañas podrán celebrar su victoria, restableciendo sus estilos de vida tradicionales en armonía con la naturaleza que los rodea.

MALASIA

Resolución de los pueblos indígenas de Malasia

En septiembre de 1996, se organizó una conferencia sobre "Derechos Territoriales e Identidad" Kuala Lumpur por el Instituto de Estudios Superiores de la Universidad de Malasia, con la participación de representantes de pueblos indígenas de toda Malasia (Malasia Peninsular, Sabah y Sarawak).
La conferencia aprobó una resolución dirigida al gobierno malayo. Exige:

1. La tierra nativa tradicional de Sarawak debería ser reconocida y respetada en lo referido a la ley y su implementación. La tierra tradicional nativa puede ser identificada por cementerios, áreas cultivadas o indicadores de cultivos individuales tales como el árbol *ipoh* o *tajem*; por ríos y montañas denominados por los pueblos indígenas y reconocidos por otras comunidades.
2. El proceso de aprobación sobre la aplicación de los derechos consuetudinarios nativos a la tierra debe ser acelerado. El relevamiento de la tierra puede ser acelerado a través del trazado de mapas, diálogos y seminarios. El cartografiado, que es realizado por los mismos pueblos indígenas en su tierra, debe ser apoyado y aceptado por los departamentos del gobierno.

3. Las demandas de algunas comunidades que no quieren que su tierra sea titulada deben ser respetadas.

4. El Código Rural de Sarawak, que restringe los derechos de los indígenas sobre su tierra tradicional, debe ser abolido o enmendado.

5. El gobierno debe consultar con toda la comunidad involucrada antes de apropiarse de su tierra nativa tradicional. Las disputas de tierra que resulten de la emisión de concesiones madereras a compañías madereras o a agencias rurales gubernamentales, a compañías de tierras privadas o de proyectos de infraestructura como el de la represa Bakun, todos los cuales fueron realizados sin previa consulta con los pueblos indígenas, deben cesar.

6. Las acciones realizadas por los pueblos indígenas para defender su tierra tradicional, como la erección de bloqueos pacíficos, no deberían considerarse como opuestas al desarrollo, y aquellas personas involucradas no deberían ser castigadas.

7. Las comunidades indígenas cuya tierra ha sido usurpada y que han sido reasentados deben ser provistos de tierra para que puedan continuar su estilo de vida, y deberían recibir una compensación financiera razonable y otras facilidades y subsidios básicos hasta que las cosechas de sus nuevas granjas maduren. Esto es para asegurar que sus vidas no sean amenazadas en caso de adquisición de tierra y reasentamiento.

8. El desarrollo en tierras tradicionales debe asegurar que la propiedad y el uso de la tierra permanezcan intactos. Debe respetar los límites acordados para que las tierras tradicionales no sean invadidas. Debe aportar beneficios a los pueblos indígenas a través de la provisión de facilidades como escuelas y clínicas.

9. La cooperación y el diálogo entre el gobierno y los pueblos indígenas referentes a la tierra y la identidad deben mejorarse. Los pueblos indígenas deben estar preparados para trabajar con el gobierno, y al mismo tiempo el gobierno debe reconocer la tierra tradicional y la identidad, especialmente la comunidad *penan*. Se puede formar una red de trabajo de pueblos indígenas a nivel aldeano para coordinar las discusiones, diálogos y seminarios junto con el Majlis Adat Istiadat (Consejo de Asuntos Nativos).

Orang asli (Malasia Peninsular)

Uno de los acontecimientos más positivos de 1996 en lo que respecta a los *orang asli* (el pueblo indígena minoritario de Malasia Peninsular) fue la resolución del caso Jeli. Nueve hombres *jahai* fueron acusados de homicidio culposo no constitutivo de asesinato, por las muertes de 3 malayos que habían tratado de usurpar las tierras consuetudinarias de los orang asli en 1993. Los 3 malayos habían llegado junto con otras 3 personas para reclamar como suya la tierra que tradicionalmente pertenecía a los jahais, un grupo subétnico *negrito* de orang asli en el norte de Kelantan. Sin embargo, después de que el fiscal presentó su caso, el juez sentenció que había insuficientes pruebas para requerir que los acusados orang asli presentaran su defensa. Fueron por lo tanto exentos de sus cargos y el caso fue cerrado.

No obstante, 1996 contempló también la presentación de un nuevo caso ante la justicia. Los *temuan* de Bukit Tampoi, Selangor, estaban insatisfechos con el monto de la compensación que les fue ofrecida por la adquisición de parte de su tierra para la realización de un proyecto de autopista. Para poner sal a las heridas, otros propietarios no-orang asli recibieron indemnizaciones que sumaban 5 o 6 veces el monto recibido por los orang asli. En realidad, éstos fueron sólo compensados por los árboles frutales y las casas afectadas por el proyecto de autopista, ya que sus tierras eran consideradas como propiedad del estado. Con la ayuda de abogados del Consejo de Abogados de Malasia, han presentado una demanda para que la justicia les reconozca la propiedad de sus tierras tradicionales. Será un caso de prueba para los orang asli, y tendrá implicaciones constitucionales.

Derechos territoriales

Los asuntos relativos a la tierra siguen siendo un punto álgido para otras comunidades orang asli. Cinco comunidades jakun de Bekok, Johore, p. ej., enfrentan ahora su traslado a un sitio menor como parte del plan del gobierno para reasentar a los orang asli. Antes de ésto, los orang asli de este lugar estaban involucrados en una disputa con una compañía privada que había comenzado a realizar operaciones madereras en sus tierras tradicionales. La compañía, que estaba supuestamente vinculada con políticos locales, había comenzado la extracción de madera a partir de una concesión maderera originalmente otorgada a la cooperativa local orang asli. En Bukit Lanjan, Selangor, una firma constructora de viviendas

privadas y las autoridades están dividiendo a la comunidad orang asli con su plan de convertir al poblado orang asli en un importante proyecto de vivienda. La tierra, ubicada en tierras de alta calidad cerca de la capital, está avaluada en millones de dólares, pero los constructores esperan adquirir la propiedad por una suma considerablemente menor mediante la división de la comunidad en facciones opositoras.

En otro caso, los *mah meris* de Pulau Carey, también en Selangor, están siendo presionados por constructores de viviendas para que entreguen su tierra tradicional a cambio de una suma monetaria además de una casa. Sin embargo, la división local de la Asociación Orang Asli de Malasia Peninsular (POASM) no está satisfecha con que los inversores hayan elegido evitar intencionalmente a la asociación en las negociaciones. Han también expresado temores de que los constructores, trabajando de la mano de algunos importantes funcionarios del Departamento de Asuntos Orang Asli (JHEOA), tienen la esperanza de convencer a los orang asli de renunciar a sus tierras por apenas una fracción de su valor.

No obstante, ha quedado claro que la nueva estrategia para reducir la ya pequeña superficie de tierras orang asli parece canalizarse por la vía de otorgar títulos de propiedad individuales a los orang asli. Por ejemplo, los gobiernos estatales de Perak y Pahang han prometido otorgar tales títulos individuales, totalizando 3.000 hectáreas, a los orang asli de 26 poblados. Sin embargo, esto contiene una trampa: los orang asli pueden tener que reasentarse en "tierras más productivas". De cualquier manera, las 3.000 hectáreas apenas se acercan a las 2.764 hectáreas ya desregistradas por las autoridades durante los pasados cuatro años. Además, los orang asli arriesgan perder aun más tierra ya que aquellos poblados que ya están registrados (algunos con hasta 100 hectáreas por familia) serán ahora sustituidos por áreas menores con los títulos particulares (unas 2,5 hectáreas por familia). Se ha recurrido por lo tanto a las autoridades para que otorguen título permanente sobre las áreas orang asli existentes, con una opción para que la misma comunidad otorgue derechos usufructuarios individuales de acuerdo a su tradición.

Destrucción del medio ambiente y continua pobreza

1996 fue también testigo de la tragedia de la avalancha de lodo de Pos Dipang. Después de tres días de lluvias torrenciales, un torrente de lodo y escombros se precipitó sobre un poblado *semai* en las

laderas de las sierras principales, matando a 39 orang asli y destruyendo casas y otras propiedades. A pesar de que viejos restos de la explotación maderera fueron vistos entre los desechos, las autoridades desestimaron cualquier conexión con las pasadas actividades madereras del área. No mucho después, en Kampung Tisong, también en Perak, la aldea semai fue inundada después de lluvias torrenciales. Se vieron también troncos flotando en el río. Una vez más, las autoridades descartaron toda conexión con las actividades madereras río arriba.

No obstante, socioeconómicamente, la situación de los orang asli sigue siendo deprimente. Las estadísticas oficiales reveladas por el Departamento de Asuntos Orang Asli (JHEOA) muestran que el 80% de los orang asli viven por debajo del nivel de pobreza (comparado con el 8,5% a nivel nacional), el 50% se encuentran entre los muy pobres (comparado con el 2,5% a nivel nacional), y el 66% son analfabetos. Además, sólo el 2% de los orang asli tienen títulos de propiedad sobre su tierra, y sólo el 30% de aquellos que están en los proyectos de reagrupamiento tienen electricidad y agua (comparado con el 90% a nivel nacional).

En lo que respecta a la salud, de acuerdo a una investigación del Dr. Dee Baer, se informa que los orang asli están generalmente peor que la población nacional. Tal como la incidencia de tuberculosis, la tasa de muerte de los orang asli, una medida común de mortalidad, era también doblemente más elevada que el promedio nacional. La correspondiente tasa de mortalidad infantil de los orang asli era más de tres veces superior al promedio nacional.

La desnutrición es también común en muchas localidades orang asli, mientras que las enfermedades de la opulencia son raras. De acuerdo a un estudio de 1995, las mujeres orang asli son el grupo adulto más desnutrido de Malasia Occidental, y un 35% de ellas tienen una deficiencia de proteínas-energéticas. En cuanto a los niños orang asli, estudios recientes informan que del 23% al 68% están por debajo del peso normal, mientras que del 41% al 80% sufren de crecimiento atrofiado. Y, algo desesperante, el 60% de todas las madres que mueren durante el alumbramiento son orang asli.

Está demás decir que los orang asli siguen siendo el sector más pobre y más marginado de la sociedad malaya de hoy.

Sarawak

En enero de este año, la compañía sueco-suiza Asean Brown Boveri (ABB) comenzó la construcción de la gigantesca planta hidroeléctrica Bakun en el río Balui en Sarawak. La planeada represa, con una altura de 205 m y una longitud de 740 m anegaría 696 km2 de tierras de pueblos indígenas, en su mayoría bosque tropical húmedo rico en vida animal y vegetal y que contiene a más de un centenar de especies amenazadas, protegidas por la ley malaya. 9.500 personas de 16 comunidades pertenecientes a los pueblos indígenas *kayan, kenyah, kajan, ukit* y *penan* perderían su tierra. Sin embargo, unieron sus fuerzas en defensa de sus derechos y se organizaron en el Comité de los Pueblos de la Región de Bakun, el cual es apoyado por una coalición de 40 organizacioones malayas, ambientales y de derechos humanos.

En junio de 1996, la Suprema Corte de Malasia decidió que la evaluación de impacto ambiental no cumplía con los requisitos legales. Sin embargo, la corte de apelaciones revocó la decisión en febrero de este año. Se inició una campaña internacional con el objetivo de convencer a ABB de no firmar el contrato, coordinada por la Declaración de Berna, con sede en Suiza, y apoyada por 204 organizaciones de 30 países. Pero aparentemente con muy poco éxito.

Incluso en términos económicos el proyecto de represa de Bakun es más que cuestionable. De los 5,4 mil millones de US$ de costos de construcción, tres cuartos son necesarios para las líneas de trasmisión que se necesitan para transportar la electricidad a través del Estrecho de Karimata a los centros industriales de tierra firme. Programada para estar operando en el 2003, la planta energética de Bakun producirá la electricidad más cara de Malasia.

Como resultado de la política de liberalización económica de Malasia, Bakun no será operada por el gobierno sino por una corporación privada, la Corporación Hidroeléctrica de Bakun. Trata de conseguir el capital necesario en el mercado del capital privado mediante al emisión de acciones en la bolsa de comercio de Kuala Lumpur. La firma inversora consultante británica, Delphi International, evaluó recientemente la potencial rentabilidad del proyecto Bakun. El informe concluye: "aconsejamos a los inversores, que están considerando una participación directa en la capitalización del proyecto a través de la Corporación Hidroeléctrica Bakun, reconsiderar el tema ... los dividendos de las inversiones son a larguísimo plazo y serán inadecuados, especialmente en vista al

riesgo involucrado". Y el "Financial Times" destaca que la "financiación de la represa podría probar ser más difícil que su construcción". No obstante, el gobierno malayo parece estar determinado a impulsar el proyecto: contra todo el sentido común económico, contra las consideraciones ecológicas - y otra vez contra los derechos de los pueblos indígenas.

Los pueblos indígenas de Sarawak todavía están siendo constantemente hostigados y maltratados por las fuerzas de seguridad del gobierno y las unidades paramilitares de compañías privadas a causa de su oposición a las continuas actividades madereras en su tierra tradicional.

En marzo de 1996, miembros paramilitares atemorizaron a mujeres y niños de Ulu Baramby apuntando sus armas hacia ellos. Esposaron a Stanley Lajo y lo golpearon. Dos días después, cuando los penan exigieron que un "bulldozer" fuera retirado de una parte su área forestal, fueron otra vez amenazados por miembros de las unidades paramilitares. Poco después, el Teniente Anthony Besar llegó a la escena y ordenó a sus hombres no ser hostiles contra los penan. Pero cuando se retiró, los paramilitares gritaron a los penan que si tenían algo de coraje, deberían salir a pelear. Dispararon trece tiros contra los penan. Afortunadamente, ninguno resultó herido.

Cinco hombres y una mujer penan fueron arrestados en Long Sayan el 9 de agosto mientras que participaban en un bloqueo contra el corte de árboles, y el 19 de octubre, siete hombres *iban* fueron arrestados durante una semana en Rumah Bungah a causa de su oposición a las operaciones de Limbang Trading Co. La compañía maderera pertenece al Ministro Datuk James Wong.

Sabah

En Sabah, continúa la lucha de las comunidades indígenas para mantener la integridad y el control de sus recursos así como también para obtener el reconocimiento como pueblos indígenas. Para muchas comunidades indígenas, las leyes y políticas que dan importancia al desarrollo de industrias de alta tecnología, la explotación de recursos para la agricultura, la madera, los pesqueros, el turismo y la minería, y la tasa de rápido crecimiento en las áreas rurales y urbanas, no son sustentables. Sin embargo, muchos -especialmente aquellos que viven en áreas urbanas y suburbanas- se encuentran en una situación conflictiva bajo el impacto del consumismo y otras influencias culturales.

Aquellos que viven en áreas rurales y continúan practicando su estilo tradicional de vida experimentan dificultades y amenazas a sus estilos de vida cuando se confrontan con una visión del mundo conflictiva sobre el desarrollo.

La invasión de las tierras consuetudinarias nativas y la explotación de recursos

Las leyes que afectan a la tierra consuetudinaria indígena o nativa que fueron introducidas por los británicos (particularmente la Ordenanza de Tierras de Sabah, 1930) y aquellas introducidas subsecuentemente por el gobierno estatal (varias legislaciones de organismos reglamentarios gubernamentales) son defectuosas y en muchos casos están directamente en conflicto con la tierra tradicional *adat*.

Las políticas de desarrollo de Sabah están guiadas por el Segundo Plan de Trazado de una Perspectiva (1991-2000) que espera convertir a Malasia en una nación industrial progresista. Está centrado en la liberalización y corporativización de la economía. El Plan, que al mismo tiempo tiene como objetivo erradicar la pobreza, reestructurar la sociedad y crear una sociedad de empresarios - especialmente las comunidades indígenas, ya ha demostrado fuertes contradicciones. Amenaza los valores centrales de la sociedad en general y de los pueblos indígenas en particular, mediante la invasión de sus tierras consuetudinarias y la explotación de otros recursos. Las políticas para abrir y otorgar tierra a las agencias gubernamentales y corporaciones para plantaciones de palma oleaginosa y árboles, construcción de represas, parques industriales, industria maderera y minera, también siguen amenazando a muchas comunidades o son la causa de que pierdan su tierra consuetudinaria.

Plantaciones

La privatización del Consejo de Desarrollo Rural de Sabah (SLDB) en 1996, uno de los organismos reglamentarios gubernamentales más grandes al cual le fue otorgada tierra para convertirla en plantaciones de palma oleaginosa, significó que la tierra consuetudinaria que antes era de propiedad de los pueblos indígenas está ahora en manos de particulares. Las comunidades *rungus*, *tambonuo* y *suluk* de Bengkoka Peninsular descubrieron que la promesa de una mejor situación económica a través del reasentamiento y de trabajo en las plantaciones, no era cierta. En 1996, las operacio-

nes de la Autoridad de Desarrollo Forestal de Sabah relativas a los árboles de *acacia mangium* fueron reducidas al mínimo. Muchos colonos tuvieron que buscar tierra para plantar *padi* (arroz) para suplementar su reducido ingreso. Las comunidades indígenas que lucharon para defender su tierra lograron obtener algunas áreas para el cultivo de *padi* pero les cuesta mucho adaptarse al cambio del cultivo del *padi* de montaña al *padi* húmedo. La plantación tuvo también como resultado un área más reducida para una forma diversificada de agricultura y redujo la biodiversidad, lo cual a su vez tiene un impacto sobre la cultura y la seguridad alimenticia de los pueblos. Las comunidades indígenas se quejan sobre las dificultades para obtener medicinas tradicionales, alimentos y materiales de construcción debido al entorno cambiado y monótono.

Forestería y conservación

El impacto de la explotación maderera sigue siendo uno de los principales temas para muchas comunidades del interior, del norte así como de la región de Sandakan - en términos de destrucción de su tierra tradicional y su subsistencia, sus medicinas tradicionales y espiritualidad. No obstante, el gobierno continúa desestimando el impacto negativo de la explotación maderera sobre las comunidades indígenas. Con la creciente conciencia pública y la presión sobre los países para reducir la destrucción del medio ambiente, la culpa es en cambio ubicada en los agricultores rotativos o la creciente incidencia -pero todavía insignificante comparada con la explotación maderera permitida- de la explotación maderera ilegal. La más escandalosa negación se produjo en diciembre de 1996 cuando el peor desastre jamás causado por las inundaciones golpeó a Keningau, en el interior de la región de Sabah, donde se desarrolla una activa explotación maderera. Desechos madereros y lodo arrastrados por el crecido río Pampang mataron a 230 personas y arrasaron a más de 100 casas.

Aunque el compromiso del gobierno a través del Departamento de Forestería y Fauna de la conservación de la biodiversidad en el estado es encomiable, el enfoque tradicional de registrar más áreas para parques y santuarios de la fauna ha tenido un impacto negativo para las comunidades indígenas. Por ejemplo, la implementación del Santuario de la Fauna del río Kinabatangan Inferior, en 1996, Cubre un área de 28.000 hectáreas, lo cual significa que las comunidades *orang sungai* de más de 7 aldeas ya no pueden seguir usando

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el bosque. La mayoría de los aldeanos han solicitado al gobierno que reubique esta área forestal que ellos consideran como su bosque tradicional y ha sido la fuente de su subsistencia y continuidad espiritual y cultural.

Parques industriales

En 1996, el gobierno estatal procuró la apertura del Parque Industrial Kota Kinabalu (KKIP) a un paso acelerado. El trabajo para implementar el KKIP recién comenzó en 1995 como parte de una promesa del gobierno del Frente Nacional cuando llegó al poder. El paso en que están tomando lugar los cambios ha arrojado a un estado de caos a muchas comunidades indígenas que viven en el área. El proyecto cubre un área de aproximadamente 3.700 hectáreas en el área de Telipok, a unos 30 km. de Kota Kinabalu, y comprenderá varias zonas como la Zona de Libre Comercio, la Zona Industrial, el Centro Comercial y Empresarial, el Área Residencial, Turismo y Recreación, y el Parque de la Naturaleza.

Entre las muchas aldeas afectadas por la apertura del KKIP están Kampung Norowot y Sukoli, las cuales tienen un área de unos 1.000 acres. Tienen su propio Título Nativo de sus tierras tradicionales. Estas dos aldeas tienen tierra agrícola fértil, poblada mayormente por *dusun* y un pequeño número de *bajaus*. Aunque la mayoría de los afectados son agricultores, hay también una pequeña cantidad que trabaja afuera además de trabajar su tierra. Los principales cultivos son el paddy, el caucho y también árboles frutales.

Dándose cuenta de la inutilidad de su protesta contra los intentos del gobierno de comenzar KKIP, los aldeanos han presentado una demanda judicial exigiendo una justa compensación por la tierra, los cultivos y las casas, así como también un sitio alternativo para sus sepulturas ancestrales. Además quieren que se les provean unos 200 acres de tierra para reasentarse, preferiblemente cerca del Campus Sabah de la Universidad de Malasia. El gobierno ha prometido reservar un área de reasentamiento para estas dos aldeas y facilidades adecuadas, incluyendo casas y servicios básicos tales como electricidad y suministro de agua. Estos son servicios que los aldeanos ya disfrutan en su aldea. Sin embargo, sin tierra, la perspectiva de ganarse la vida afuera es ilusoria -especialmente para las mujeres y los ancianos- para aquellos que han trabajado y vivido cerca de su tierra. Será una vida ajena para ellos.

Identidad - Cultura y lengua

Otro tema que ha aparejado sentimientos ambiguos en las comunidades indígenas recientemente es el de la cultura y la lengua. Por un lado, la preocupación del uso decreciente de varias lenguas indígenas que originó una campaña en varios barrios para introducir la lengua vernácula como una materia escolar ha finalmente dado sus dividendos. En abril de 1997, 15 escuelas comenzarán un proyecto piloto para introducir LPA -Lengua Propia del Alumno- como una materia.

Sin embargo, por otro lado, la comercialización de la cultura - otro aspecto importante de la identidad indígena- mostró una tendencia de continuo crecimiento. El gobierno y algunos grupos indígenas mismos parecen tener la errónea concepción de que esta es una de las formas de preservar la cultura y al mismo tiempo promover la identidad indígena. Si bien ésto puede en algunos casos promover ciertamente la identidad y la conciencia indígena, muchas comunidades indígenas se han sentido en cambio engañadas por un falso sentido de control, tal como lo experimentaron las comunidades rungus, sobre el impacto del turismo.

Las estadísticas oficiales citaron una cifra asombrosa de población para los 39 diferentes grupos étnicos. La población de pueblos indígenas se reduce rápidamente de más del 80 por ciento en 1980 al 54,3 por ciento de la población de Sabah de dos millones, en 1996 (esto incluyen 506.900 ciudadanos no-malayos predominantemente de Filipinas e Indonesia). El informe del censo hecho en 1980 agrupó a todas las comunidades indígenas bajo una categoría, "Pribumi" pero los cálculos basados en cifras del censo de 1970 que dio una reducción de todas las comunidades indígenas estimó la población total de indígenas en 84,8 por ciento. Aunque aparentemente no importantes, los pueblos indígenas son mayoría y pueden tener un impacto en la cantidad general de pueblos indígenas en Malasia, dónde obtener la atención del gobierno es crucial.

Red de Pueblos Indígenas

La campaña de la Red de Pueblos Indígenas de Malasia para obtener el reconocimiento de sus derechos a la tierra y a su identidad como pueblos indígenas continuó con una serie de seminarios sobre la tierra en 7 distritos de Sabah. Durante los seminarios, los aldeanos discutieron sobre los derechos a la tierra en términos de uso, propiedad y límites de acuerdo a sus leyes tradicionales o *adat*.

Esto fue comparado con las secciones sobre Derechos Consuetudinarios Nativos a la Tierra en la Ordenanza de Tierras de Sabah de 1930, en términos de protección de los derechos indígenas a la tierra. Una serie de actividades, incluyendo discusiones sobre cultura e identidad indígenas, fueron también celebradas en preparación de una Conferencia Nacional sobre Tierras, Derechos e Identidad Indígenas para lanzar la campaña. Los objetivos específicos de la Conferencia Nacional, que fue celebrada en septiembre de 1996, eran permitir a los pueblos indígenas y a los gobiernos dialogar sobre los derechos a la tierra e identidad; identificar políticas gubernamentales relacionadas a la tierra indígena y determinar mecanismos y métodos a ser usados en la mejora de la cooperación entre el gobierno y los pueblos indígenas sobre la cuestión de los derechos a la tierra e identidad. Más de 150 personas asistieron a la Conferencia, la cual incluyó unos 100 representantes indígenas de Sabah, Sarawak y Malasia Peninsular, representantes de diversos departamentos estatales y federales y unas cuantas organizaciones no-gubernamentales.

INDONESIA

La vida política de Indonesia durante el año 1996/1997 estuvo caracterizada por una violencia cada vez más frecuente que también involucró a los pueblos indígenas (*masyarakat adat*). En la mayoría de los casos, las víctimas de la confrontación entre los pueblos indígenas y el estado o inversores nacionales y multinacionales apoyados por el estado, fueron los pueblos indígenas. Un caso a destacar es el de los disturbios de 1995, con la participación del ejército indonesio, y que costaron la vida al menos a 16 indígenas *amungme* en Timika, Irian Jaya (Papúa Occidental). Sin embargo, el gobierno declaró que la operación del ejército era necesaria dado el deber del estado de proteger y garantizar la seguridad de la compañía minera americana, Freeport Indonesia Inc. (FIC)

No obstante, es también cierto que son los mismos pueblos indígenas que realizan actos violentos de autodefensa contra la violencia estatal, o simplemente para recordar al estado de su existencia, olvidada durante tan largo tiempo en la política y en el desarrollo económico. Un ejemplo de tales actos violentos perpetrados por el lado indígena, claramente el mayor en términos de víctimas humanas (de acuerdo al cómputo oficial menos de 300,

según fuentes inoficiales hasta diez veces mayor) sucedió entre el 30 de diciembre de 1996, y fines de febrero de 1997 en la parte noroccidental y central de la provincia de Wet Kalimantan, involucrando quizá a una docena de tribus *dayak* del lugar. El caso muestra cómo la violencia estructural del estado despierta reacciones de parte de los pueblos indígenas.

Diversos casos acaecidos durante los últimos varios años muestran que los conflictos entre el estado y los pueblos indígenas sobre recursos naturales son virtualmente endémicos en toda Indonesia. Existe una ampliación y una tendencia mayor a las protestas y luchas que implican acción física por parte de diversas comunidades de pueblos indígenas -especialmente fuera de Java- contra las concesionarias forestales, los concesionarios de plantaciones industriales, las compañías mineras y los proyectos de transmigración.

Este fenómeno de violencia no es algo que surge abruptamente y por sí mismo. Es más bien un efecto acumulativo de la decepción que ha sufrido la sociedad en relación a las políticas de desarrollo durante los 30 años del régimen del Nuevo Orden de Suaharto, el cual enfatiza el crecimiento económico e impulsa un enfoque represivo de la seguridad en lo que se refiere a la dinámica política. Los pueblos indígenas han sido víctimas de las decisiones políticas del Nuevo Orden, es decir, de la implementación del desarrollo industrial basado en los recursos naturales. El fenómeno refleja la frustración y la ira de los pueblos indígenas con respecto a la centralización del poder político en manos de una diminuta elite política y el poder económico en aquellos pocos conglomerados empresariales que son clientes de la misma elite política. Es obvio que el gobierno de Indonesia ha confiado en la fuerza y en la manipulación ideológica en vez de la legitimidad, y que los intereses de los pueblos indígenas no tienen espacio en el actual sistema y estructura política del Nuevo Orden de Suaharto. Desde este punto de vista, el mayor desafío para los pueblos indígenas de Indonesia en el futuro cercano será el fortalecimiento institucional para asegurar su participación en los procesos políticos locales, nacionales e internacionales.

Para el gobierno estatal que detenta actualmente el poder, la realidad de la etnicidad y la existencia de pueblos indígenas es todavía considerada como una amenaza para el "desarrollo" y una causa de desintegración nacional. Esta visión, irónicamente, no está de acuerdo con el fundamento del país "bhinneka tunggal ika" o

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"unidad en la diversidad" que fue establecido por los padres fundadores de la nación. La política de desarrollo sólo sirve a los intereses de los dueños del capital -indonesios y extranjeros- y la elite política. El idioma de "desarrollo" y progreso, que sirve tan elegantemente para esconder el profano interés material de estos dos grupos, ha sido usado por el "estado" para legitimar muchas políticas nacionales que violan los derechos de los pueblos indígenas.

Los casos de muchas localidades de Indonesia aquí informados muestran que los conflictos entre las comunidades de pueblos indígenas y el "estado" no están relacionados a temas raciales o de dominación étnica sino a los procesos de desarrollo centralizado sustentados enteramente en el poder político del gobierno del Nuevo Orden de Suaharto. Esta interpretación explicaría el hecho de que los conflictos físicos se hacen cada vez más intensos en términos de víctimas y más difíciles de controlar por el gobierno. El caso de las comunidades dayak de Kalimantan occidental lo demuestra claramente. Tradicionalmente, "dayak" no es una categoría pertinente de identificación social para los pueblos de Kalimantan, es más bien un nombre colectivo para aproximadamente 450 grupos etnolingüísticamente diferentes que habitan en el interior de la isla. Pero en el proceso, el término "dayak" ha sido transformado en una fuerte identidad política con un interés común de solidaridad. La razón para ésto es el hecho de que los pueblos se dieron cuenta que compartían el mismo destino de víctimas de 30 años de políticas nacionales de desarrollo, explotadoras, incluyendo la invasión de los bosques tradicionales y *"adat"* por parte de las compañías madereras, la destrucción de la diversidad biológica y los sistemas de manejo de recursos basados en la comunidad por plantaciones y establecimientos industriales madereros a gran escala; además de ésto, tienen que enfrentar la masiva invasión de inmigrantes de las islas interiores debido a los proyectos de transmigración y la explotación de recursos minerales.

Otra tendencia que se hace evidentemente obvia por los diversos conflictos de los últimos tiempos es la incapacidad del estado para contener conflictos que implican la participación de masas mayores y más decididas de descontentos. Las fuerzas armadas enviadas a detener la guerra entre las comunidades dayak y *madurese* en Kalimantan occidental no lograron realizar su tarea en forma efectiva. Las autoridades gubernamentales de alto nivel tampoco lograron reconstruir la confianza y mediar un tratado de

paz entre las dos partes. Esta inefectividad de las fuerzas de seguridad se ha hecho también obvia durante los dos últimos días de disturbios en Java. Sin ninguna duda, estos fenómenos indican la profunda frustración y desconfianza en amplios círculos de la población (en particular la comunidad dayak de Kalimantan occidental) con relación al gobierno y las fuerzas armadas.

En contraste, cuando realiza comentarios sobre estos violentos conflictos en diversas localidades, el gobierno de Indonesia acostumbra hacer declaraciones dando a entender que estos conflictos son sólo locales e insignificantes para el funcionamiento cotidiano del país. Funcionarios civiles y militares hicieron declaraciones a través de los medios de difusión controlados por el estado en los cuales insinuaban que los conflictos en cuestión eran "inflados intencionalmente" o eran "parte de un proyecto provocador" de ciertos sectores opuestos al desarrollo. Además de eso, tal como se hizo evidente en el caso de la exploración minera en la isla de Haruku, la protesta de los pueblos indígenas ha sido respondida por diversos tipos de intimidación por parte de funcionarios civiles y militares. En los casos relativamente grandes, como el de Kalimantan occidental, el gobierno despachará probablemente un equipo investigador que llegará a conclusiones completamente contrarias a las declaraciones previamente realizadas por altos funcionarios militares; estos oficiales de antigüedad han concedido, como consecuencia de los disturbios, que existían serios problemas que necesitaban ser encarados. Esas reacciones gubernamentales muestran la insensibilidad del gobierno con respecto a los intereses y los derechos de los pueblos indígenas de Indonesia.

Además de los diversos acontecimientos negativos antes descritos, los dos últimos años han contemplado también varios acontecimientos positivos relativos a la lucha de los pueblos indígenas de Indonesia por el reconocimiento e implementación de sus derechos.

Primero, ha habido una importante consciencia pública -especialmente en ONGs, científicos sociales y, aunque no muchos, algunos periodistas- sobre los problemas enfrentados por los pueblos indígenas. El término "masyarakat adat" ha sido ampliamente aceptado en Indonesia y es usado en muchas reuniones oficiales o en conferencias gubernamentales, especialmente relacionado a temas referentes a la conservación y el manejo sustentable de recursos naturales. Sin embargo, esto no significa que el gobierno haya

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aceptado plenamente el concepto de pueblos indígenas en sus dimensiones políticas, culturales, históricas, económicas y religiosas. Por ejemplo, dentro del Ministerio de Medio Ambiente del estado, algunos altos funcionarios ya han aceptado el término "mayarakat adat", pero es traducido al inglés como "comunidades locales" o "pueblos tradicionales". Para ellos, el término "pueblos indígenas" está reservado para las comunidades oprimidas y colonizadas como los *aborígenes* de Australia y los *indios* de América.

Segundo, existe un creciente respeto y reconocimiento de parte de la opinión pública internacional por la destacada contribución de los pueblos indígenas de Indonesia a la conservación y al manejo de recursos naturales, tal como fue evidenciado por el Premio Goldman 1997 otorgado al líder *bengian dayak* de Kalimantan oriental, L. B. Dingit. El premio le fue otorgado por sus años de lucha para preservar las poblaciones de ratán en su bosque tradicional de la invasión de una empresa maderera industrial.

Tercero, se han fortalecido y multiplicado las instituciones locales y las organizaciones basadas en comunidades de pueblos indígenas en diversas localidades de Indonesia con la capacidad de satisfacer y canalizar las aspiraciones e intereses y así fortalecer al pueblo. A través de estas diversas instituciones y organizaciones, se han desarrollado y puesto en acción muchas actividades educativas fundamentales como base para la autodeterminación y la defensa contra las intervenciones externas, tal como lo demuestra el caso Huruku.

Miles de indígenas son amenazados por el Mega Proyecto Memberamo en Papúa Occidental

Actualmente, nadie sabe realmente cuántos indígenas serán afectados por el Mega Proyecto Memberamo en Papúa Occidental (la provincia indonesia de Indian Jaya). Sin embargo, el proyecto, que ha sido iniciado y es controlado por el poderoso Ministro de Ciencia y Tecnología, B. J. Habibie, a través de su Organismo de Evaluación Técnica e Implementación (Badan Pengkajian dan Penerapan Teknologi-BPPT), está siendo ahora inserto en los territorios de los pueblos indígenas. Se celebró una presentación para inversores a comienzos de abril de 1997. El proyecto megalómano del Mega Proyecto Memberano incluye la construcción de una planta energética hidroeléctrica de 12.000 megawatt para sustentar la producción de metanol (localizada en Natuna, Indonesia occidental), de

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metales, de la industria petroquímica, de las industrias de gas líquido, así como también de las operaciones de explotación minera, forestales e industrias agrícolas[1], en suma, el planificado "centro de crecimiento" de Indonesia oriental.

El mega-proyecto ha sido planificado sin tomar ninguna consideración en cuanto a la población local. Lo que es peor, su mera presencia es ignorada. Durante la presentación el Dr. Habibie declaró que no existe ningún ser humano en la cuenca del Memberamo. Mientras que el líder del Equipo de Estudio Memberamo de BPPT, cuando fue interrogado por los periodistas, declaró que la comunidad había expresado su "alegría" con respecto al futuro proyecto: precisamente la declaración usual del gobierno de Indonesia en tales temas.

Existen razones para creer que hasta ahora no ha habido ningún censo ampliamente aceptado ni ninguna investigación socioeconómica sobre las comunidades que viven en la región afectada, para no mencionar un esfuerzo de consultarlos y promover su participación. En realidad, no existe casi información sobre los pueblos indígenas de la cuenca del Memberamo. Aunque el conocimiento sea pequeño sabemos que existen al menos 6 grupos etnolingüísticos diferenciados: los *kawera, namunaweja, anggreso, manau, bauzi* y *dani*[2], con una población total de 10.000 personas[3]. Otros autores informan de una población algo inferior a los 50.000 individuos[4]. Virtualmente, todos ellos son sumamente dependientes de la caza, la pesca y la recolección de plantas silvestres para satisfacer una gran parte de sus necesidades de subsistencia. Mitológicamente, esos pueblos indígenas consideran al río Memberamo como un "útero materno". Desde el punto de vista de los indígenas melanesios, toda la tierra de Papúa Occidental es propiedad de uno u otro de los cientos de pueblos indígenas que viven en toda la isla. No existe una "tierra de nadie" en Papúa Occidental[5].

También nos faltan las cifras básicas sobre los recursos naturales de la región. Cubriendo unas 1,7 millones de hectáreas (el río se extiende 650 km), la cuenca del Memberamo es de una importancia biológica sumamente alta, conteniendo únicos bosques pantanosos, el río más grande de la provincia, y un espectro completo de tipos de ecosistemas con una rica flora y fauna, en gran medida sin identificar[6].

Basándose en las experiencias con el gobierno de Indonesia en la planificación e implementación de mega-proyectos, este Mega Proyecto Memberamo debería ser confrontado con gran precau-

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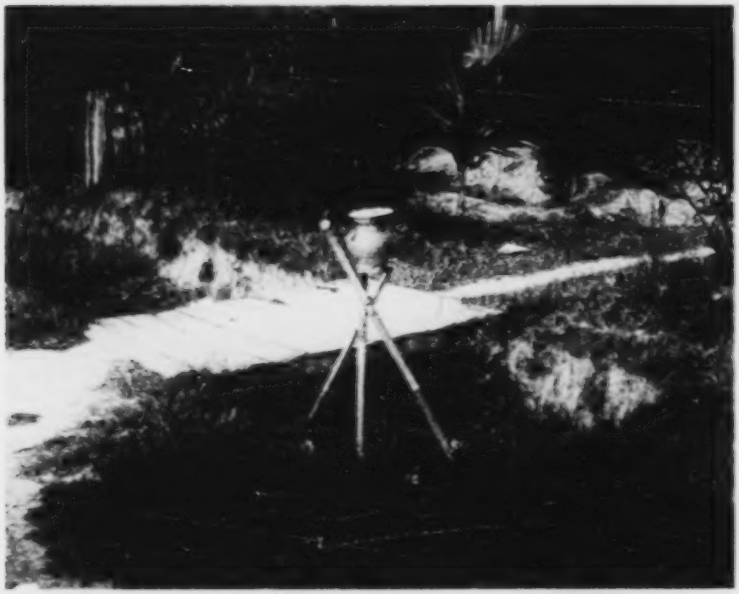
ción. Se deberían haber aprendido las lecciones, por ejemplo, del conflicto entre los *amungme komore* y la Freeport Indonesia Company. Este conflicto, que comenzó en 1971 y está todavía en marcha, fue causado por el hecho de que el Monte Erstberg es en realidad la "cabeza de la madre" del pueblo amungme. Cuando los amungme se dieron cuenta de que su "madre" estaba siendo destruida y violada por las gigantes máquinas industriales de Freeport, mientras que habían sentido durante mucho tiempo que sus derechos indígenas habían sido violados por extranjeros, se alzaron y comenzaron a luchar. Una "guerra cultural" ha estado en pie desde ese entonces[7]. Esto es exactamente lo que pasará en Memberamo si el gobierno de Indonesia sigue utilizando ese enfoque y paradigma de desarrollo. Un paradigma que no deja espacio para la participación de la comunidad, y no dispone de comprensión ni interés por los pueblos indígenas.



Marca de etnicidad y símbolo de guerra: pote de arcilla con accesorios rituales frente a una casa dayak cerca de Anjungan, Distrito de Pontianak (Kalimantan, Indonesia). (Foto: Hilario Holsapple)

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Lo que se necesita urgentemente ahora es un esfuerzo para proponer una visión alternativa para el desarrollo de la región, una alternativa que no implique arrasar y anegar vastas zonas de bosques vírgenes, desplazando al menos a 10.000 indígenas, habitantes tradicionales del bosque, y que convierta al norte de Irian Jaya en un gigante establecimiento de palma oleaginosa y en un centro de fundición de aluminio. Se necesita un nuevo paradigma del desarrollo, uno que implique: 1) la participación de los pueblos indígenas de Memberamo desde el verdadero comienzo de la planificación del proyecto; 2) el reconocimiento de los derechos consuetudinarios de los pueblos indígenas como su capital o sus acciones en el proyecto; 3) un proceso transparente durante todo el proyecto; y 4) el reconocimiento de las instituciones indígenas y de las direcciones locales, confiriéndoles poder para representar los intereses y necesidades de los pueblos en las negociaciones y tratativas con otras partes (gobierno, compañías privadas, etc.).

Notas

(1) "Seminar Pengembangan DAS Memberamo, 7-8 abril" en Suara Pembaharuan Daily Newspaper, abril 3 1997.

(2) Studi Pengembangan Sumberdaya Pertanian Daerah Aliran Sungai Memberamo por Shafiq Prayitno. Direktorat Pengkajian Ilmu Kehidupan, Kedeputian Bidang Pengkajian Ilmu Dasar dan Terapan, Badan Pengkajian dan Penerapan Teknologi. Yakarta. 1995. 25 p.

(3) "BPPT dan Uncen Teliti Persiapan Megaproyek PLTA Memberamo Irja" en Suara Pembangunan Daily Newspaper, octubre 24 1996.

(4) "Menguak Misteri di Seberang Giga Proyek Memberamo" por Karel Phil Erari en Suara Pembaharuan Daily Newspaper, abril 10 1997.

(5) "Menguak Misteri di Seberang Giga Proyek Memberamo" por Karel Phil Erari en Suara Pembaharuan Daily Newspaper, abril 10 1997.

(6) Konservasi dan Pembangunan di Irian Jaya: Strategi Pemanfaatan Sumber Daya Alam Secara Rasional traducido por Slamet Soeseno de *Conservation and Development in Irian Jaya. A Strategy for Rational Resource Utilization* por Ronald G. Petocz. WWF/IUCN. Suiza. 1987. 398 p.

(7) La mayor parte de ésto es citada de "Menguak Misteri di Seberang Giga Proyek Memberamo" por Karel Phil Erari en Suara Pembaharuan Daily Newspaper, abril 10 1997. Un relato del conflicto entre la tribu amungme y Freeport está publicado en *El Mundo Indígena* 1995-1996, IWGIA. Copenhague. 1996. p 163-164. [viii] Citado de "Membangun Bersama Masyarakat: Melalui Megaproyek Memberamo, Irian Jaya", un trabajo de DR. Benny Giay presentado en el Seminario sobre Desarrollo de la

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Cuenca del Memberamo: como uno de los Centros de Crecimiento de Indonesia Oriental, abril 7-8 1997.

Isla Haruku: prospección aurífera bajo intimidación

A comienzos de marzo de 1997, se hicieron públicas noticias conmocionantes de una *"negeri"* (la mejor manera de describirla es una unidad autónoma indígena, consistente de un par de cientos de familias que ocupan un determinado territorio) de la isla de Haruku, en las Molucas Centrales. La noticia se refiere a actividades exploratorias mineras por parte de Aneka Tambang Inc., e Ingold Inc. El caso es considerado como muy serio porque en 1985 los ciudadanos de Haruku han recibido el más prestigioso premio de Indonesia por el manejo ambiental, el Premio Kalpataru. Utilizando un sistema de manejo consuetudinario, leyes (*sasi*) y un organismo implementador, los miembros de la "negeri" demostraron su capacidad para conservar los recursos naturales marinos, terrestres y fluviales.

Desde 1995, la paz de la "negeri" de Haruku ha sido alterada por una compañía minera de propiedad estatal, Aneka Tambang Inc., que trabaja en forma conjunta con una compañía canadiense, Ingold Inc. El descubrimiento de yacimientos de recursos minerales se constituyó en una amenaza para el ecosistema de la pequeña isla. La isla tiene dos sistemas fluviales. Uno de ellos, el río Wai Ira, que corre hacia el río Learisa Kayeli se ha convertido en un río de lodo debido a la erosión causada por las actividades perforatorias de las compañías.

Los impactos ecológicos y la súbita presencia de las compañías mineras, sin una previa consulta a los indígenas que poseen la tierra, obligaron a las Instituciones Kewang a escribir una Carta de Preocupación al Gobernador de Molucas (fecha 11 de mayo de 1996). El gobierno local ordenó entonces a las compañías clausurar todos los pozos y canales.

Aunque las compañías han clausurado oficialmente los pozos, sus obreros siguieron perforando y cavando nuevos pozos. Toneladas y toneladas de "muestras" minerales han sido transportadas fuera de la isla, sin consulta con las comunidades. El río Wai Ira mostró un nivel de turbiedad más alto en la estación lluviosa de fines de 1996. Los indígenas de "negeri" Haruku escribieron entonces otra vez una carta abierta solicitando una explicación al Parlamento Local de la Provincia de Moluca el 21 de enero de 1997, firmado por 359 personas. Desafortunadamente, la carta abierta ha

llevado solamente a una presión más directa, intimidación, y amenazas de violencia por parte de los funcionarios locales civiles y militares. Esto se ha demostrado muy claramente en el incidente del servicio religioso del domingo, a fines de enero de 1997. Sucedió que los funcionarios locales amenazaron abiertamente a la comunidad en un servicio religioso dominical en la iglesia, acusándolos de que escribir una carta de ese tipo es un método usado por el Partido Comunista de Indonesia (PKI). Tal acusación no es para tomarla a la ligera en el contexto de Indonesia. La acusación es generalmente utilizada por funcionarios civiles y militares con propósitos intimidatorios.

La situación empeora para los indígenas de Haruku porque el Jefe Oficial de la Aldea en funciones, electo por el Jefe de Distrito, ha estado completamente opuesto a la posición de la comunidad. El Jefe de la Aldea, supuestamente actuando como "rey" del Territorio Tradicional "Negeri" Haruku, ha tomado incluso parte activa en la intimidación.

Se ha sabido que, como otros funcionarios locales, la responsabilidad del Jefe Oficial de la Aldea es implementar y aplicar la política nacional, en este caso el Permiso de Exploración emitido por el Directorado General de Minería, Departamento de Minería y Energía, Yakarta. El hecho de que el gobierno haya colocado un líder inaceptable para el pueblo es una evidencia del intento del gobierno de debilitar a la comunidad e iniciar la desintegración de la sociedad o de la colectividad de los indígenas. Tales estrategias son parte de la política nacional de forjar uniformidad en la estructura administrativa aldeana en toda Indonesia, para poder controlar la sociedad incluso en los lugares más remotos.

Conscientes de que sus aspiraciones políticas e intereses no han logrado ser canalizados a través del parlamento local, y menos aún por el gobierno, el 26 de enero de 1997 algunos miembros indígenas expresaron su oposición, sacando los postes demarcatorios del proyecto y cortando los cables de electricidad que se extendían a través de sus tierras. Estas acciones fueron seguidas por una segunda carta dirigida al parlamento provincial demandando protección para sus derechos consuetudinarios en el territorio "negeri" y para que el parlamento cumpliera con la aspiración de los indígenas y los ayudara a impedir un conflicto abierto que implique violencia física.

Hasta el día de escribir este informe, se está intensificando el conflicto entre los indígenas de Haruku y las compañías mineras propiedad del gobierno o apoyadas por el mismo, con la ayuda

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sumada de unidades militares locales. Y no existe ningún signo de que las aspiraciones e intereses de los indígenas de Haruku sean satisfechos dentro del sistema político existente.

Los derechos de los behoa son negados en el Parque Nacional Lore Lindu

Para los *behoa* que viven en Sulawesi central, el bosque es de una importancia fundamental tanto para su economía de subsistencia como para su vida espiritual.

Pero los habitantes de Sulawesi central, y especialmente el pueblo behoa, se han convertido en víctimas del programa de conservación del gobierno, bajo el cual se estableció un área de conservación sin tomar en cuenta los derechos de los indígenas a su tierra tradicional. El establecimiento y el manejo de las áreas de conservación es en principio similar a las concesiones forestales comerciales (HPH), lo cual implica la transferencia de la propiedad, el manejo y control de las tierras tradicionales comunitarias, al estado. El sistema zonal del Parque Nacional no toma en cuenta los derechos de los pueblos indígenas a los bosques.

La consecuencia es que los behoa ahora tienen prohibido entrar al área "Pandulu" (bosque virgen/profundo) y al área "Kakau" (bosque secundario), las cuales en su concepto de derecho consuetudinario son parte de sus tierras tradicionales. Esta es la fuente de severos conflictos entre los behoa y el gobierno, en este caso la unidad de manejo del parque internacional y las fuerzas de seguridad bajo el Tim Pengamanan Hutan Terpadu (Equipo Conjunto para la Seguridad Forestal). La actividad a la cual más se oponen los behoa son los arrestos por "intrusión", no teniendo en cuenta que los productos forestales recogidos por los habitantes locales son para satisfacer sus necesidades económicas básicas y no para propósitos comerciales, como aquellos explotados por las compañías de base urbana.

La situación de los behoa está empeorando con la amenaza que implica el desarrollo del proyecto hidroeléctrico Palu-3 Lore, parcialmente financiado por el Banco Asiático de Desarrollo. Parte del lugar del proyecto está en el área del Parque Nacional Lore Lindu. La planta hidroeléctrica cambiará drásticamente la región, ecológica y económicamente, y amenazará en el futuro la integridad de la cultura behoa.

Enfrentados con la amenaza de extinción de su cultura, los behoa enviaron a su jefe indígena, G. Samba'a, a reunirse con el

Gobernador de Sulawesi central en mayo de 1994, para solicitarle la re-delimitación de los límites del Parque Nacional Lore Lindu. Pero este esfuerzo no ha brindado resultados hasta el momento. Los behoa que entran a sus tierras tradicionales dentro del Parque Nacional Lore Lindu son todavía castigados como "invasores del bosque" y "ladrones de madera".

Kalimantan occidental

Durante 1996 y la primera mitad de 1997 hubo una fresca evidencia de cuán frágil es la cohesión social y étnica de Indonesia. Los disturbios que conmovieron a Yakarta el 29 de julio pasado tuvieron origen en el intento gubernamental de disputar el liderazgo del PDI (Partai Demokrasi Indonesia) de Megawati Sukarnoputri, uno de los más populares contendientes del Presidente Suharto. Contra toda evidencia, el régimen trató de ubicar las culpas de las protestas en el movimiento en pro de la democracia que ha sido cada vez más activo durante los últimos años. La serie de choques comunales violentos que siguieron en octubre y diciembre pasados, otra vez en Java, contenían todos los elementos de problemas religiosos y étnicos, incitando, como lo hicieron a turbas musulmanas contra las minorías cristianas y chinas, generalmente más pudientes. Sin embargo, analistas independientes consideraron a los choques como expresión de la creciente desesperación de parte de los sectores económicamente más desventajados del país, o incluso presumieron que fueron instigados por el ejército. Fabricando choques religiosos o representando los disturbios de esa manera, argumentan, el régimen espera introducir una brecha en el movimiento interétnico pro democrático. Bastante convincentemente, círculos de ONG sostienen que centrando la atención en otros factores - especialmente el peligro de la disolución nacional- el gobierno evita encarar los subyacentes problemas económicos y políticos y trata de ubicarse como el único garante de la unidad nacional y la paz étnica.

No obstante, la peor instancia de disturbios civiles que Indonesia ha sido testigo tan lejos de los territorios notoriamente rebeldes de Aceh, Timor Oriental y Papúa Occidental, involucró a indígenas. A continuación de una disputa entre jóvenes musulmanes y *dayak*, el 30 de diciembre, miles de dayak de la provincia de Kalimantan Barat se levantaron en armas contra la presencia de la comunidad inmigrante de Madura, una pequeña, isla estéril en la punta oriental de Java. Aunque los madureses constituyen apenas el 2,5% del total de la población de la provincia de unos 4 millones de personas, se

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Guerra de grafitis: casa maduresa destruida con consignas dayak que dicen "no es de extrañar que los madureses se enriquezcan rápidamente" (izquierda) y "los madureses son lo mismo que el Partido Comunista" (derecha). (Foto: Hilario Holsapple)

dice que están comprometidos en forma desproporcionadamente frecuente en violentas disputas y han adquirido la reputación de ser temperamentales alborotadores también fuera de Kalimantan. Sin embargo, las organizaciones dayak advierten que reducir el conflicto a términos étnicos, como ha hecho el gobierno, no es correcto. Mejor dicho, insisten, la etnicidad y la tradición han surgido recientemente en un papel fundamental en la actual resistencia dayak contra la marginación económica y social.

Las disputas entre los dayak y los madureses datan desde los años 60 cuando grandes contingentes de madureses fueron llamados por el gobierno para la construcción de caminos en el interior. Esta evolucion condujo a la pérdida de mucha tierra dayak, generalmente con poca o ninguna compensación. Los madureses, siendo colonos especialmente agresivos, se encontraban entre los más visibles beneficiarios del despojo de los habitantes indígenas de Kalimantan Barat, y se hicieron de enemigos a través de lo que los dayak consideran su particular falta de respeto hacia las comunidades locales y sus culturas.

Los últimos enfrentamientos eclipsaron anteriores escaramuzas tanto en la escala geográfica como en ferocidad. El propósito de purgar la provincia de los habitantes madureses unió quizá a una docena de subtribus dayak -entre ellos los *kanayatn, menyuke* y *sekayan* y grupos *ibánicos*-, como nada antes había logrado hacerlo. Durante ocho semanas de derramamientos de sangre, se estima que murieron 3.000 personas, de las cuales la gran mayoría (2.000 a 2.600, de acuerdo a diversas fuentes) eran inmigrantes. Miles de casas (cifras oficiales, por regla demasiado bajas, hablan de 2.500) fueron destruidas, y casi un quinto de la población maduresa huyó de sus hogares, probablemente para no retornar jamás. Como resultado, los guerreros dayak confinaron a los poblados madureses entre 30 y 50 km de las ciudades de Singkawang y Pontianak, así como también a la línea costera entre ellos, con una notable similitud a los eventos sucedidos exactamente 30 años antes cuando un violento levantamiento dayak había expulsado a los chinos del interior.

Aunque el ejército indonesio voló al lugar 3.000 efectivos -entre ellos batallones de elite- como refuerzos, fue incapaz de hacer mucho más que defenderse a sí mismo y a los aterrorizados refugiados madureses que habían buscado refugio en puestos militares locales. Carentes de equipos anti-motines y frecuentemente entrando en pánico, las tropas militares hicieron su parte en la carnicería, masacrando a multitudes dayak al menos en dos ocasiones. Durante 15 días en el mes de febrero, los caminos del interior estuvieron controlados por guerreros dayak armados con *mandau* (la tradicional espada dayak), flechas, cerbatanas y armas de fuego caseras, y los guerreros descendieron en camionadas para atacar a la propia Pontianak, la capital provincial. En la segunda mitad de marzo, amplias áreas del interior de los distritos de Pontianak, Sanggau y probablemente también Sambas permanecieron en un estado de guerra latente, a pesar de las grandiosas ceremonias de paz montadas por el ejército.

La primera ola de motines había comenzado cuando dos jóvenes dayak fueron apuñalados a continuación de una discusión con jóvenes madureses en el pueblo de Sanggau Ledo, unos 150 km al norte de Pontianak, el 30 de diciembre. En la medida en que se esparcían las noticias, unos 5.000 dayak atacaron casas madureses en aldeas en torno a ese pueblo, incendiándolas y matando a un número desconocido de hombres, mujeres y niños. Durante cuatro días de violencia, más de 6.000 personas, principalmente madureses, fueron evacuados a la ciudad costera de Singkawang. Se

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supuso que un acuerdo llamado de prisa el 8 de enero, con la participación de líderes ambas comunidades, retauraría la paz en el área, y durante un período pareció que los problemas habían sido contenidos en forma exitosa.

No obstante, a primeras horas del 29 de enero, hombres encapuchados atacaron e incendiaron una escuela católica y el dormitorio estudiantil de Siantan, una parte predominantemente maduresa de la ciudad de Pontianak. Aunque el ataque falló, las noticias de la acción se esparcieron rápidamente pues la escuela pertenecía a la fundación Pancur Kasih, un símbolo del resurgimiento cultural dayak y de su emancipación económica. Casi al mismo tiempo, dos empleados dayak de un supermercado de la ciudad sufrieron heridas de arma blanca en un ataque a sus dormitorios. Sin embargo, las represalias maduresas llegaron recién a su pico cuando turbas erigieron puestos de control en el camino costero de Peniraman, unos 32 km de Pontianak, donde golpearon o decididamente mataron a pasajeros dayak. Luego, el 30 y 31 de enero, tres hombres dayak fueron muertos a cuchilladas después de haber sido arrancados de autobuses y vehículos privados, y otros sobrevivieron solamente porque fueron protegidos por el conductor u otros pasajeros. En Pinyu, más arriba en la costa, algunas casas dayak fueron incendiadas.

Cuando las noticias de las muertes se esparcieron al interior, miles de dayak se movilizaron para la guerra. Como dos de las tres víctimas de Peniraman y la vendedora herida eran de distritos que hasta el momento no estaban directamente involucrados en la violencia, la cuestión ya no era más un asunto privado de unas pocas subtribus de algún remoto lugar de Sambas. A causa de las leyes de la venganza de sangre, las comunidades locales dentro de un radio de 250 km fueron empujadas al conflicto, incluyendo, por segunda vez, a Sambas, el epicentro de la primer ola de violencia. Lo que facilitó la unidad de los dayak fue el hecho de que al atacar Pancur Kasih, la fundación católica, los madureses habían atacado un símbolo de la identidad dayak que trasciende las existentes divisiones tribales.

Para movilizarse, los dayak recurrieron a un mecanismo tradicional que implicaba el pasar un tazón rojo (*mangkuk merah*) junto con una serie de accesorios rituales, de aldea en aldea, significando la resolución de entrar en guerra. De acuerdo a informadores dayak, este ritual para forjar las alianzas intertribales ha sido usado durante siglos cuando los dayak enfrentaban una amenaza externa poderosa. Los guerreros dayak eran en su gran mayoría jóvenes y

hombres de edad media de áreas rurales y parcialmente incluso de áreas contra la corriente que no obedecían a ningún comando central, sino que estaban bajo el control de líderes guerreros locales (*panglima perang*) que parecen haber sido por lo general ancianos tradicionales. Las pocas ONG dayak con sede en las ciudades no participaron para nada en lo que estaba sucediendo. Parece que cada aldea actuó básicamente por su cuenta llamando a sus ayudantes espirituales y realizando los necesarios preparativos rituales para la guerra. El movimiento desafía así las teorías que pronto hizo circular el ejército refiriéndose a un complot de unos pocos líderes intelectuales con posibles objetivos secesionistas.

Los refuerzos militares aterrizaron en la noche del 5 de febrero, mientras que la vecina Malasia cerró sus fronteras con Kalimantan por el temor de que los disturbios se propagaran e incitaran a los belicosos *bidayuh* e *iban* contra la propia minoría maduresa de Sarawak. No obstante, se informa que muchos tribales de Sarawak se unieron a la lucha del lado de los dayak de Kalimantan, llevando con ellos armas y magia para la guerra. Pontianak fue aislado del interior por bloqueos militares de caminos y se impuso un toque de queda en la ciudad. Los relatos de los acontecimientos que siguieron a las represalias maduresas a fines de enero son confusos ya que las autoridades impusieron una censura de prensa en la provincia. Como los hospitales locales se llenaron con las víctimas de todas las partes -incluyendo del ejército-, el acceso a los mismos fue negado y se prohibió a la gente viajar al interior. Sin embargo, los motines se extendieron hacia el este y pronto comprendieron a docenas de comunidades mixtas de los distritos de Pontianak y Sanggau. Todas las fuentes subrayan unívocamente el hecho de que quienes se destacaban predominantemente entre los amotinados dayak eran guerreros de las áreas del interior como el distrito de Kapuas Hulu y las regiones de la frontera norte de Sambas, Kab. Pontianak y Sanggau, notablemente lugares donde no se registran asentamientos madureses.

Sólo durante la primera semana de febrero, cientos de madureses fueron asesinados y sus casas arrasadas en ataques a aldeas cerca de Salaatiga, Mandor, Pahauman y Ngaban a lo largo del camino a Sanggau, así como también en el interior, continuando hacia la frontera en Entikong. Miles de dayak patrullaban los caminos principales, deteniendo vehículos y matando a todos los pasajeros madureses. Además, en un trágico acontecimiento, varios

cientos de civiles madureses que habían huido del interior durante el primer ciclo de violencia, fueron muertos en los distritos de Sambas y Sanggau después de que el ejército les ordenó prematuramente retornar a sus aldeas a consecuencias del primer acuerdo de paz. Y durante un tiempo a mediados de febrero, las fuerzas dayak amenazaron con asaltar la misma capital provincial con su gran concentración de residentes madureses y refugiados. De acuerdo a algunos informes, los líderes guerreros dayak solicitaron al ejército que les dieran "siete horas" para que pudieran "resolver el problema" de la ciudad "de una vez por todas".

La participación del ejército por momentos bordeó a un guerra total. Tal como frecuentemente se da en situaciones límites, a los pueblos indígenas -en este caso los dayak- se les atribuye aterradores poderes mágicos que están en una extraña relación con su situación social y su influencia política en la sociedad. El ejército indonesio demostró ser un campo particularmente fértil para las fantasmagorías relativas a la magia guerrera y el barbarismo de los dayak. Tropas aterrorizadas abrieron fuego repetidamente sobre multitudes dayak para impedir que pusieran sus manos sobre los refugiados madureses. En un incidente, el 3 de febrero, 17 dayak fueron muertos a tiros o por minas cuando trataban de atravesar un bloqueo de camino del ejército en Sunga Pinyuh, cerca de Anjungan, 55 km al norte de Pontianak. La mayoría de los atacantes dayak, adolescentes, se habían puesto en marcha a causa de rumores que decían que un líder comunitario arrestado por el ejército había sido víctima de abusos o incluso había muerto en custodia en el campamento militar de Anjungan. El escenario se repitió en Sanggau Kapuas, donde ocho camiones llenos de dayak exigieron acceso a la guarnición local, pidiendo a los soldados que les entregaran a los madureses que estaban escondidos allí. Murieron cinco dayak y unos 50 resultaron gravemente heridos cuando las tropas abrieron fuego en un control. Se informa de una tercera masacre, hasta ahora no confirmada, el 4 de febrero, de nuevo en Anjungan, cuando tropas frustraron aparentemente un ataque a uno de sus bloqueos de camino, disparando contra los neumáticos de dos camiones que se acercaban llenos de jóvenes dayak, causando el vuelco de los camiones. Los sobrevivientes fueron liquidados con fuego de ametralladoras. Se dice que al menos 100 dayak murieron en este incidente. Es sorprendente notar que estas muertes ocasionadas por el ejército no provocaron aparentemente represalias por

parte de los dayak de la escala e intensidad como las que provocaron las acciones maduresas. En parte, la estrategia militar de suprimir la información sobre las víctimas y el aislamiento de los heridos en hospitales militares parece ser la razón; por otro lado, sin embargo, los mismos líderes dayak -tal como pasó en el caso del primer enfrentamiento en Anjungan- desestimaron la necesidad de venganza declarando que los combatientes dayak habían violado previos acuerdos hechos por los ancianos con el oficial comandante local.

La cronología de violencia continúa hasta el 28 de febrero cuando los últimos ataques conocidos fueron realizados contra poblados madureses en Suban, Sambas, pero fuentes locales admitieron que hechos violentos no informados pueden haber ocurrido incluso en la segunda mitad de marzo y hasta en abril. Aparte de varios acontecimientos menores en las aldeas, el ejército montó tres grandes y bien publicitadas ceremonias de paz en Sanggau Ledo (8 de enero) y en Pontianak (el 18 de febrero y el 15 de marzo), durante las cuales hicieron que representantes comunitarios elegidos a dedo leyeran solemnes alegatos para renunciar a la violencia y arreglar las diferencias restantes en forma pacífica. No obstante, la mayoría de los aldeanos dayak, cuando se les preguntó, sostuvieron que la paz era inconcebible mientras que quedaran madureses en la provincia. Además, el sentimiento prevaleciente en las aldeas era que los líderes, elegidos por el ejército para representar a la parte dayak en los acuerdos de paz, eran ilegítimos, ya que eran principalmente hombres de negocio urbanos sin ninguna interiorización de lo que sucedía en las áreas rurales. Y finalmente, pocas aldeas habían realizado en la segunda mitad de marzo los prolongados rituales necesarios para hacer retornar a los espíritus ancestros *kamakng* (que se dice participaron en la violencia con efectos devastadores) a sus moradas en el reino de los espíritus. Dada toda la sangre derramada, no es probable que vuelva la normalidad a la provincia en un futuro cercano. Nadie se anima a predecir qué pasará una vez que se hayan realizado las elecciones parlamentarias nacionales (el 29 de mayo de 1997), un acontecimiento que es usualmente precedido por dos meses de estricta seguridad en las provincias. Como consecuencia de la afluencia de unos 15.000 refugiados madureses, la misma capital de Pontianak se ha convertido en un polvorín, y lo mismo sucede con las ciudades javanesas de Jogyakarta y Yakarta, donde cientos de estudiantes dayak podrían fácilmente convertirse en el blanco de los extremistas madureses.

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Las autoridades militares y gubernamentales fueron muy rápidas en afirmar que la violencia fue motivada por una mezcla de zelotería religiosa y envidia material. Sin embargo, ominosamente, los amotinados dayak fueron muy cuidadosos de no tocar las mezquitas y *madrasahs* (escuelas musulmanas) que, como símbolos religiosos, son "poseídas" por una variedad de grupos inmigrantes musulmanes. En todo caso, la religión fue introducida como factor por el lado madurés en su ataque a una escuela y dormitorio católicos a fines de enero, y en abortados intentos de arrasar mezquitas, echándole las culpas a los dayak. La envidia material, por otro lado, puede ser descartada como motivo ya que los madureses comparten el último escalón de la escalera económica con los dayak. Si la envidia material fuera el tema, hubiera sido mucho más lógico que atacaran a las más pudientes comunidades china, malaya, javanesa o buginesa, cuyas vidas y hogares fueron salvaguardados durante los motines. Y sin embargo, no cabe lugar a dudas que la marginación económica, social y política ha jugado un papel fundamental en la motivación del levantamiento. Los madureses podrían aparecer entonces como una especie de víctimas subrogadas que tuvieron que pagar el precio por las frustraciones dayak sobre las iniquidades de la economía predatoria y la política clientelista de su provincia fronteriza.

Los dayak han sufrido enormes pérdidas de tierra durante al menos un siglo y la mitad de los recursos por una explotación desenfrenada, un proceso que se ha acelerado durante los últimos treinta años con la expansión de la agricultura de plantaciones. Como consecuencia, la tierra para la agricultura rotativa, el modo tradicional de producción dayak, es escasa. En muchas partes de la provincia los ciclos "swidden" tuvieron que ser acortados a cinco años y por lo tanto, la fertilidad de los suelos ha disminuido dramáticamente. Enormes extensiones de tierras están infestadas con *alang-alang (pasto imperata)* y como tal no son más apropiadas para los métodos tradicionales de cultivo. No es de sorprender que hubieran protestas (aunque pacíficas) contra los proyectos de plantación en toda la provincia en los años 80 y al menos tres más recientes, violentas, entre 1994 y 1996. Lo que es más, el problema de la tierra de los dayak se ha visto agravado durante las últimas tres décadas por la transmigración patrocinada por el gobierno, un punto que las autoridades evitan cuidadosamente en sus análisis de los recientes disturbios. La transmigración está íntimamente ligada con la industria del aceite de palma, la cual se lleva la mayor parte

en el proceso de despojo de los dayak, dándoles las tierras y los trabajos a los transmigrantes. Actualmente, Kalimantan Barat recibe la tercer porción más grande de transmigrantes de todas las provincias indonesias, después de Kalimantan central e Irian Jaya. Sambas, con su larga historia de tensiones entre los madureses y los dayak, era en los años 70 el área principal de transmigración de la provincia; en 1980, 15% de su población total eran transmigrantes oficiales, comparado con un promedio de sólo 3,4% en otras áreas. La transmigración ha contribuido entonces significativamente al aumento, en la provincia, de las tensiones relacionadas con la tierra; no explica, sin embargo, por qué el derramamiento de sangre involucró a los madureses, porque ellos han llegado típicamente como inmigrantes espontáneos, no como parte del programa oficial de transmigración. Fuentes dayak insisten que había fricciones ocasionales con otros transmigrantes también, pero que eran menores en comparación, debido a las costumbres menos violentas de estos grupos inmigrantes. Los madureses, por el contrario, son tipificados como insidiosos usurpadores de tierra que no cumplen con los acuerdos y con quienes incluso las pequeñas diferencias pueden transformarse en cuestión de vida o muerte.

Sumado a la consciencia de que su base territorial está siendo rápidamente erosionada y su subsistencia amenazada -aunque principalmente por fuerzas más allá de su alcance- los dayak se sienten profundamente frustrados por el hecho de que son excluidos de la vida política de la provincia y de que no disponen acceso al empleo en el servicio público. Como lo destacó un observador, incluso Papúa Occidental, sometida a un virtual régimen de ocupación, tiene más empleados públicos indígenas que Kalimantan occidental. A pesar de la gran reserva de profesionales y graduados universitarios dayak, todos menos uno de los jefes de distrito (*bupati*) son actualmente forasteros, y excepto por un intervalo de seis años en la década del 60, la provincia siempre ha tenido gobernantes no-dayak. Sólo raramente los dayak son admitidos en trabajos administrativos, y si lo hacen, nunca en cargos de alto rango. Pero aquí tenemos otra vez, que la alta política e incluso el servicio civil tampoco son el dominio de los madureses. En todo caso, su pronunciada solidaridad étnica y la capacidad de participar en la política de presión comunal que fluye de la misma, es lo que les ha ganado la reputación de querer "apoderarse de la provincia" y "hacer lo que les de la gana".

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Por lo tanto, lo que en realidad ha sido la condena de los madureses es que han elegido una forma particularmente agresiva de competir en esta arena fronteriza, implicando el derrame de sangre dayak y de esa manera gatillando un mecanismo de venganza. Ni los dayak no negarían que no han resulto sus problemas "limpiando" el interior de poblados madureses. Los verdaderos culpables del despojo a gran escala de los pueblos indígenas locales son demasiado poderosos o no son lo suficientemente visibles como para ser atacados por medio de una guerra indígena neo-tradicional. Sin embargo, conociendo la tenacidad de los hábitos clientelistas y la empecinada negativa de las elites políticas y empresariales a cambiar sus métodos -aquí como en todos lados-, se debe dudar de que se haya aprendido la lección.

TIMOR ORIENTAL

Timor Oriental fue invadido por su vecina Indonesia el 7 de diciembre de 1975. Desde entonces, por lo menos 200.000 personas, casi un tercio de la población han muerto a causa de la guerra, el hambre y las enfermedades. Pero la anexión de Indonesia de la ex colonia portuguesa nunca ha sido reconocida por las Naciones Unidas, y en el mismo Timor Oriental todavía hay resistencia contra la ocupación indonesia.

Un informe australiano

El 16 de octubre de 1996 el Centro de Derechos Humanos de Timor Oriental, con sede en Australia, publicó un informe que cubre los últimos nueve meses de 1996. El informe, que es titulado *Continuas Violaciones de Derechos Humanos en Timor Oriental*, comienza con una cita de un visitante al territorio en 1996: "Timor Oriental es un país ocupado. El derecho no está vigente, no hay corte de apelaciones, no hay libertad. El poder está en manos de organismos extrajudiciales que controlan la vida y la libertad a su voluntad."

El informe se centra en siete áreas separadas en las que los derechos civiles y políticos fueron violados durante el período en cuestión:

1) Grandes cantidades de timoreses orientales están tratando de irse de Timor Oriental, ya sea por barco a Australia o buscando refugio en las embajadas occidentales en Yakarta.

2) Las ejecuciones extrajudiciales han continuado, algunas de las cuales no han sido investigadas por las autoridades indonesias.

3) Ha habido un alto nivel de arrestos arbitrarios, particularmente de jóvenes timoreses, y una sistemática tortura de los arrestados.

4) Los disturbios en Baucau, que se cree hayan sido provocados por un soldado indonesio que insultó a la religión católica, resultaron en el arresto de aproximadamente 165 timoreses orientales, muchos de los cuales fueron heridos y por lo menos 3 resultaron muertos.

5) Juicios injustos condujeron a que timoreses orientales fueran condenados a prisión.

6) Los disturbios en las prisiones llevaron a la muerte de un timorés oriental y muchos otros heridos.

7) Existe una atmósfera de miedo, la gente es regularmente sometida a intimidación, golpes, violaciones y otros actos de represión por parte de las autoridades indonesias.

El Centro agrega que las violaciones de 1996 "continúan las numerosas violaciones ocurridas en 1995, que el Departamento de Estado de los EE.UU. describió como uno de los peores años en lo relativo a las violaciones en Timor Oriental". El centro concluye que no hubo "ninguna mejora en 1996 y que continúan las serias y sistemáticas violaciones de los derechos fundamentales".

Amnistía Internacional

Durante el año, la organización de derechos humanos Amnistía Internacional, con sede en Gran Bretaña, publicó un gran número de llamados a la *Acción Urgente* en nombre de personas de Timor Oriental. Los temas eran: arrestos arbitrarios, temor por la seguridad, temor de torturas, preocupaciones por la salud, preocupaciones legales, posible desaparición, posibles prisioneros de consciencia.

Amnistía Internacional condenó también la intimidación y amenazas de violencia de masas que forzaron el abandono de la segunda Conferencia Asia-Pacífico sobre Timor Oriental (APCET II) celebrada en Kuala Lumpur, capital de Malasia, en noviembre de 1996.

"Es escandaloso que las autoridades hayan respaldado a jóvenes derechistas, supuestos miembros de la coalición gubernamental, que irrumpieron en la conferencia por la fuerza para impedir la discusión de la situación de los derechos humanos en Timor Oriental", expresó Amnistía Internacional en un comunicado de prensa.

Las sospechas de que las autoridades malayas hubieran sancionado el ataque fueron fortalecidas por informes de que la policía no intervi-

no hasta una hora después de que los manifestantes habían invadido la sala de conferencias. El gobierno malayo había dejado anteriormente clara su oposición a APCET con el fundamento de que podría dañar las relaciones malayo-indonesias, pero los organizadores de la conferencia dijeron que la reunión era algo legal porque la participación era solamente por invitación y no era celebrada en público.

En 1994 Indonesia trató -pero fracasó- de detener la Primera Conferencia Asia-Pacífico sobre Timor Oriental (APCET I), celebrada en Manila, capital de las Filipinas.

Un juicio en Gran Bretaña

En julio de 1996, cuatro mujeres británicas fueron acusadas de complotar para dañar a un avión caza a reacción Hawk destinado a Indonesia. Aunque las cuatro admitieron su participación en el caso, un jurado de Liverpool las juzgó inocentes de causar daño al aeroplano. El 29 de enero de 1996 Lotta Kronlid, Andrea Needham y Jo Wilson se abrieron paso a través del cerco que rodea la planta de fabricación de aviones de British Aerospace, en el norte de Inglaterra. Después de filmarse con vídeo a ellas mismas dañando el fuselaje del avión y los instrumentos de alta tecnología con martillos, envolvieron al avión con pancartas, dejaron una cinta de vídeo en la cabina y llamaron a la policía, cantando canciones de paz mientras que esperaban. Una cuarta activista, Angie Zelter, anunció su intención de continuar la acción y fue también arrestada.

Durante el juicio de seis días en julio de 1996, las mujeres dijeron que estaban desarmando el Hawk, no destruyéndolo, alegando que la acción era justificada porque el avión iba a ser usado contra civiles en Timor Oriental.

El jurado demoró nada más que cinco horas en llegar a su veredicto de no culpables, el cual Jo Wilson calificó de una "victoria para la justicia" y una "victoria para el pueblo de Timor Oriental." Angie Zelter agregó, "creemos que tenemos un muy buen caso para probar que British Aerospace está ayudando y es cómplice de asesinato" en Timor Oriental.

Un film canadiense

El 1 de diciembre de 1996 se estrenó un film documental sobre Timor Oriental en Canadá: *Paraíso amargo: la liquidación de Timor Oriental*, escrito y dirigido por la fotógrafa canadiense Elaine Brière, quien es también co-fundadora del comité de solidaridad canadiense, "East Timor Alert Network".

El film cubre muchos aspectos del conflicto. Nos enteramos del pasado y del presente: ¿cuál es la razón de la invasión de Indonesia de 1975? ¿Y cuál es la actual situación más de veinte años después? También nos brinda la perspectiva local y mundial: ¿qué está pasando en Timor Oriental? ¿Y cómo está respondiendo el resto del mundo al conflicto?

Elaine Brière es canadiense. Por lo tanto, es muy natural que ella se centrara en su país: ¿cuál es la naturaleza de las relaciones de Canadá con Indonesia? ¿Y cuál es el papel de Canadá en el conflicto de Timor Oriental? Estas preguntas son sumamente importantes.

Canadá es conocido por ser una nación amante de la paz que frecuentemente contribuye con las operaciones de mantenimiento de la paz de las Naciones Unidas en todo el mundo. Pero esta no es toda la verdad. "Paraíso amargo" demuestra que Canadá tiene estrechos vínculos políticos y económicos con Indonesia a pesar de una campaña internacional de derechos humanos para forzar a Indonesia a retirar sus tropas de la ex colonia portuguesa.

Elaine Brière dice que su film tiene tres objetivos: primero, es la historia de la "lucha de un pueblo por la supervivencia en un mundo dominado por la búsqueda de materias primas y nuevos mercados". Segundo, es la historia del "apoyo desvergonzado, continuo, de Canadá a un régimen militar depredador". Finalmente, es la historia de su "viaje político, personal, de las aldeas de Timor Oriental a las antesalas de las Naciones Unidas, de la inocencia al activismo político".

El Premio Nobel de la Paz

El 11 de octubre de 1996 el Comité Noruego del Premio Nobel anunció su decisión de otorgar el Premio Nobel de la Paz 1996 a Carlos Felipe Ximenes Belo y José Ramos-Horta "por sus trabajos hacia una justa y pacífica solución del conflicto de Timor Oriental".

Belo ha sido el obispo católico de Timor Oriental desde 1983. Él es una de las pocas personas que puede criticar abiertamente a los indonesios sin ser encarcelado o matado por hacerlo. Pero él sabe que debe ser cuidadoso, y por lo tanto, siempre habla sobre problemas humanitarios y no políticos.

Ramos-Horta ha sido un vocero del movimiento de la resistencia timoresa en el exilio desde la invasión del 7 de diciembre de 1975. Ha trabajado dentro del sistema de las Naciones Unidas, tomando parte en conferencias y reuniones en todo el mundo, y escribiendo libros y artículos sobre el conflicto.

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La respuesta de Indonesia a la decisión del Comité Nobel se dividió en dos: por un lado, Indonesia habla con Belo y lo felicitó oficialmente por haber obtenido el premio. Por otro lado, Indonesia casi nunca habla con Ramos-Horta y declaró que no era merecedor del premio. Ambos premios nóbeles llegaron a Oslo para recibir el premio el 10 de diciembre de 1996. En su presentación oficial, Francis Sejersted, Presidente del Comité Noruego del Premio Nobel, dijo:

> "El conflicto en Timor Oriental ha sido llamado 'el conflicto olvidado'. Sin embargo, no ha sido completamente olvidado, habiendo figurado en la agenda internacional, con distintos grados de prominencia durante esos veinte [y un] años. Pero, por así decirlo, nunca ha prendido. Han habido tantos otros intereses y consideraciones para atender, y Timor Oriental es tan pequeño.
>
> Rara vez el cinismo de la política mundial ha sido más claramente demostrado. Las numerosas consideraciones de 'política realista' han permitido que tuviera lugar una forma excepcionalmente brutal de neocolonialismo. De una población de entre seiscientas y setecientas mil personas, casi doscientas mil han muerto como resultado directo o indirecto de la ocupación indonesia. Y las violaciones continúan aun hoy.
>
> Muchos son los países que han dado una mayor prioridad a su 'política realista' de cooperación con Indonesia en vez de considerar a Timor Oriental. Esta es la situación, aparentemente desesperanzada, en la cual los dos laureados han procurado incansablemente un arreglo justo y pacífico para su pueblo".

El proceso de paz

En su discurso oficial, el obispo Belo enfocó el proceso de paz:

> "Dejemos en claro que para que la paz sea una realidad, debemos ser flexibles y sabios. Debemos reconocer verdaderamente nuestras propias faltas y cambiar en el interés de lograr la paz. Yo no constituyo ninguna excepción a esta regla. Eliminemos la rabia y la hostilidad, la venganza y otras emociones oscuras, y tranformémonos en humildes instrumentos de paz.
>
> El pueblo de Timor Oriental no es inflexible. Está dispuesto a perdonar y superar su amargura. Por el contrario, ansía la paz, paz dentro de su comunidad y paz en su región. Desea construir puentes con sus hermanos y hermanas indonesios para encontrar formas de lograr la armonía y la tolerancia.

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El respeto mutuo es la base de compromiso. Comencemos haciendo un sincero esfuerzo para cambiar la muy seria situación de los derechos humanos en Timor Oriental. La Iglesia ha hecho su parte. Hemos formado una Comisión por la Justicia y la Paz que está siempre dispuesta a cooperar con las autoridades para encarar los problemas.

Funcionarios independientes de los derechos humanos han visitado repetidamente a Timor Oriental y han recomendado lo que necesita hacerse. Como primer paso, la liberación de los prisioneros políticos de Timor Oriental ha merecido una urgente atención, de acuerdo con la sección sobre Humanitarismo del Panca Sila, los Cinco Principios de la Ideología Estatal indonesia. Tal paso contribuiría a crear una importante apertura en el camino de la paz".

Encarcelados en Yakarta

En su discurso oficial, Ramos-Horta mencionó al líder de la resistencia de Timor Oriental, quien fue capturado por soldados indonesios en noviembre de 1992 y está ahora preso en Yakarta:

"Este discurso pertenece a otra persona, quien debería estar aquí hoy. Es un excepcional hombre de coraje, tolerancia y dimensión estadista. Sin embargo, este hombre está en prisión por ningún otro crimen que sus ideas y su visión de paz, libertad y dignidad para su pueblo.

Xanana Gusmão, líder del pueblo de Timor Oriental, sigue incomunicado en una prisión a miles de millas de su país. Su juicio, en 1993, fue universalmente condenado como una farsa y no fue más válido que el encarcelamiento y juicio por los holandeses del ex presidente Sukarno, padre fundador de la República Indonesia.

Rindo homenaje a Xanana y a través de él a mi buen amigo Nino Konis Santana, David Alex, Tahur Matan, Ruak, Fernando Araújo y a todos los prisioneros de consciencia de Timor Oriental que están en cárceles en Timor Oriental e Indonesia, a los miles de víctimas de tortura, viudas y huérfanos. Rindo homenaje a la memoria de Salabae y los miles de muertos.

A través de Xanana, rindo homenaje a mi pueblo con profundo respeto, lealtad y humildad porque ellos son los mártires, los héroes reales y los hacedores de la paz".

Tres fases separadas

Ramos-Horta aprovechó la oportunidad para reafirmar su Plan de Paz de abril de 1992, el cual está dividido en tres fases separadas:

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"Fase Una - Fase humanitaria: esta fase, que debería tomar hasta dos años para ser plenamente implementada, debería incluir a las tres partes [Timor Oriental, Indonesia y Portugal], trabajando junto con las Naciones Unidas para implementar una amplia gama de 'medidas para lograr la confianza', (CBMs) pero no trataría el núcleo del problema que es la cuestión de la autodeterminación.

Estas CBMs deben incluir la liberación de todos los prisioneros, el fin de la tortura y de las ejecuciones sumarias y una drástica reducción de la presencia de tropas indonesias en el territorio.

Estas son algunas de las ideas que creo podrían ser implementadas inmediatamente sin que Indonesia se sintiera humillada. Su postura internacional mejoraría significativamente y su presencia en el territorio sería menos resentida, aliviando así una situación muy tensa...

Fase Dos - Autonomía, 5 años: la fase Dos, con una duración de entre cinco y diez años, sería un período de genuina autonomía política, basada en amplios poderes investidos en una Asamblea Popular Territorial, democráticamente electa.

Amenazados con el desplazamiento por la planeada Represa San Roque: comunidades ibaloi que han vivido durante siglos como agricultores y lavadores de oro en pequeña escala a lo largo del río Agno (provincia de Benguet, Filipinas). (Foto: Chris Erni)

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Al fin de la segunda fase, el estatus autónomo del territorio sería extendido por mutuo acuerdo.

El pueblo de Timor Oriental, habiendo gozado de un período de paz y libertad sin la presencia del símbolo más odiado de la ocupación, el ejército, podría aceptar continuar esta forma de asociación.

A la inversa, el cambio de generaciones, actitudes y percepciones en Indonesia podría resultar que Indonesia aceptara como natural que Timor Oriental se independizara.

Fase Tres - Autodeterminación: si todas las partes están de acuerdo en que la Fase Tres debería entrar en efecto inmediatamente, entonces las Naciones Unidas comienza a preparar un referéndum sobre autodeterminación para determinar el estatus final del territorio".

La comunidad internacional

A continuación, Ramos-Horta habló sobre el papel de la comunidad internacional:

"Estamos tan decididos como optimistas respecto a nuestro futuro. A Indonesia y a nuestros otros vecinos de ASEAN les ofrecemos una mano de amistad y apelamos a los mismos a que nos ayuden a lograr la paz y la libertad para Timor Oriental.

La Unión Europea, trabajando junto con los Estados Unidos, Canadá, Australia, Nueva Zelanda, Japón y los socios de ASEAN de Indonesia, pueden acelerar la marcha del diálogo bajo los auspicios del secretario general de la ONU, darle un impulso y un contenido real.

La Administración de los EE.UU. es el único poder importante que ha adoptado algunas medidas concretas para alentar cambios en Indonesia y Timor Oriental. Expreso aquí nuestro sincero aprecio al Presidente Clinton por sus acciones en Timor Oriental y apelo a él para que nos preste su juvenil energía y compasión para ayudarnos a lograr una solución permanente del conflicto que él una vez describió como 'irreconciliable'".

Finalmente, Ramos-Horta comentó sobre las democracia europeas y su papel en la venta internacional de armas:

"No estamos pidiendo que Indonesia sea castigada con sanciones económicas comprehensivas. Creemos que el compromiso econó-

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mico con un país a veces puede generar cambios positivos a través del desarrollo de una clase democráticamente consciente.

Sin embargo, encontramos repulsivo que los países occidentales que más fuerte hacen discursos retóricos sobre los derechos humanos son los que producen la mayoría de las armas que han matado a más de 20 millones de personas en el mundo en desarrollo desde la Segunda Guerra Mundial.

Las minas, los equipos de tortura, las bombas de fragmentación, las armas químicas, son armas designadas para infligir sufrimiento y muerte a los seres humanos. La mayoría de las víctimas son civiles, mujeres y niños. ¿Cómo pueden los fabricantes de armas, los diseñadores, los directores de las fábricas, los políticos, que tiene sus propias familias a quienes aman, ser tan insensibles en lo que atañe al sufrimiento de otros seres humanos?"

¿Una gran sorpresa?

La decisión del Comité Noruego del Premio Nobel llegó como una gran sorpresa para muchos. Sin embargo, durante los últimos años, hubieron varios signos de que el caso de Timor Oriental estaba bajo seria consideración: el Obispo Belo fue nominado para el premio en 1994 y 1995. En 1993 el Premio Rafto Noruego para los Derechos Humanos fue otorgado al pueblo de Timor Oriental y Ramos-Horta viajó a Bergen en ese entonces para recibirlo en nombre de su pueblo. El Premio Thorolf Rafto fue establecido en 1987. En 1990 fue otorgado a la política birmana Aung San Suu Kyi, quien obtuvo el Premio Nobel de la Paz al año siguiente.

En 1995, una parte del llamado Premio Nobel alternativo de la Paz, "Right Livelihood Award", fue otorgado a Carmel Budiardjo por "hacer responsable al gobierno de Indonesia por sus acciones y por la supresión de la universalidad de los derechos humanos fundamentales". Carmel Budiardjo pasó tres años en detención sin juicio, en Indonesia, como supuesta comunista. Después de su liberación en 1971 ella retornó a Londres. Durante más de veinte años ha sido la editora del boletín de noticias *Tapol Bulletin*, publicado por la Campaña Indonesia por los Derechos Humanos. En 1996, publicó un libro sobre sus experiencias en Indonesia: *Sobreviviendo al Gulag de Indonesia*. El Premio Nobel de la Paz es una importante ayuda moral para los timoreses orientales que viven bajo la ocupación indonesia; para los que viven en el exilio; para el gobierno de Portugal que está tratando de asegurar una descolonización pacífica; y para los numerosos

activistas de todo el mundo que trataron durante años de hablar sobre Timor Oriental mientras que los medios de difusión y los políticos se negaban a escuchar.

El Premio significa una renovada atención internacional hacia el conflicto y una mayor legitimidad para el caso. Hace que sea más difícil desestimar las demandas de Timor Oriental como un sueño irrealizable. Pero el gobierno indonesio no otorgó ninguna concesión inmediata, y a comienzos de 1997 parecía que todavía había un largo camino a recorrer para lograr una paz justa y duradera en Timor Oriental.

Premio Nobel de la Paz
Los discursos oficiales de la ceremonia de entrega del Premio Nobel de la Paz deFrancis Sejersted, Carlos Belo y José Ramos-Horta son citados bajo permiso. *Copyright (c) The Nobel Foundation, Stockholm, 1996.*

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LAS FILIPINAS

Las cifras de población de los pueblos indígenas de las Filipinas siempre han sido un juego de adivinanzas. Los intentos de algunos observadores de clasificarlos en grupos de importancia son también problemáticos. Se estima que conforman el 14% de la población y suman más de 40 grupos separados y diferenciados. La agencia gubernamental que tiene como tarea monitorear y brindar servicios a estos diversos pueblos ha ubicado la cantidad de grupos en 73, lo cual incluye a los *bangsamoro*, entre los más de 140 grupos etnolingüísticos diseminados por todo el archipiélago de las Filipinas. En la Constitución de 1987 de las Filipinas son referidos como comunidades culturales indígenas.

Las presunciones generales sobre los pueblos indígenas son las siguientes: son primitivos, habitantes de las tierras altas, siguen observando sus creencias y prácticas tradicionales, usan vestimentas coloridas con abalorios y adornos que hacen juego, son o feroces cazadores de cabezas o tímidos y temerosos de los extranjeros.

La colonización y el proselitismo crearon una división cultural entre la diversa población de las Filipinas: los cristianizados habitantes de las tierras bajas, los islamizados bangsamoro y los pueblos montañeses paganos. Los primeros se convirtieron en la mayoría cultural, de los cuales algunos se convirtieron en los patrones políticos nativos y las elites económicas, mientras que los dos últimos resistieron o se retiraron al interior, oponiéndose a los diversos modelos para integrarlos a la cultura dominante y así convertirlos en la minoría. Fueron capaces de preservar su estilo de vida mientras que los cristianos de las tierras bajas asimilaron la cultura y los estilos de vida coloniales.

Los recientes acontecimientos políticos han vinculado a algunos de estos grupos indígenas, trascendiendo las barreras y diferencias culturales. En la vanguardia de estos acontecimientos se encuentran los pueblos de la Cordillera, a quienes se les refiere ahora como *igorot*. En Mindanao, los grupos no-islamizados y no-cristianizados son conocidos por el término bisayan *lumad* (nativo), mientras que en Mindoro, la adscripción grupal de los seis pueblos indígenas de la isla son llamados *mangyan*. Hay también pueblos indígenas qué están agrupados en base a sus áreas de concentración como el grupo de los *negros-panay* o *bisayan* (*panay bukidnon, negros bukidnon* y *ati*), la región de la Sierra Madre (*bogkalut, kalinga, alta, agta* y *remontado*) y Palawan (*tagbanua, pala'wan, batak* y *molbog*). Los *ayta* que están distribuidos ampliamente por todo Luzón (*aeta, agta, alta*), Palawan (*batak*), Visayas (*ati*) y Mindanao (*mamanua*) se han organizado en términos de grupos de área local; un ejemplo es el de Luzón Central. Otros se han convertido en parte de agrupaciones regionales como los mamanua quienes son considerados lumad.

Prácticamente una gran cantidad de sus asentamientos están localizados en áreas marginales, y practican estrategias de subsistencia diversificadas o una economía mixta de agricultura "swidden", caza y recolección, comercialización de productos forestales, trabajo asalariado y muy recientemente agricultura permanente. En 1997, los temas que afectan a los pueblos indígenas de las Filipinas pueden ser resumidos en términos de reconocimiento del dominio ancestral, la agresión desarrollista, la destrucción ambiental y la intervención social no solicitada.

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Reconocimiento del dominio ancestral

El reconocimiento de su base cultural y de recursos, llamada dominio ancestral, es un elemento central para los pueblos indígenas. Esto se refiere a todas las tierras y los recursos naturales ocupados o poseídos por las comunidades indígenas.

El concepto de tierra del estado filipino y el de los pueblos indígenas son dos polos opuestos. Para los últimos, es igual al mantenimiento de su estilo de vida y consideran que sin este reconocimiento, sus esfuerzos en dirección a la autodeterminación serán en vano. Su identidad como pueblos indígenas está profundamente arraigada en estas tierras.

En las Filipinas, la filosofía general que guía la propiedad de todos los recursos naturales está guiada por la Doctrina Regalian, la cual presume que toda la tierra pertenece al estado y la propiedad privada o los títulos emanan del mismo. El Título Nativo no es reconocido por el estado a pesar de que tales reivindicaciones de propiedad no fueron completamente eliminadas por nuestra doctrina legal. La Constitución de las Filipinas en el Art. II, Sección 22; Art. XII, Sec. 5 y Art XII, Sec. 6, otorga un explícito reconocimiento a la existencia de los pueblos indígenas de las Filipinas y mandata la protección de sus derechos, lo cual incluye sus reivindicaciones sobre las tierras ancestrales. Sin embargo, todavía está pendiente una promulgación congresal y la aprobación de leyes que consideren ésto.

PD 410 o la Ley de Tierras Ancestrales, promulgada por el régimen de Marcos el 11 de marzo de 1974 declaró que las tierras ancestrales ocupadas y cultivadas por las comunidades culturales son enajenables y disponibles. La ley dio un techo de 30 años de ocupación previa antes de la aprobación del decreto.

La Orden Administrativa Departamental del DENR No. 2 , Serie de 1993 (DAO-2) provee las "Reglas y reglamentaciones para la identificación, delineamiento y reconocimiento de reivindicaciones de tierra y dominios ancestrales". Según DAO-2, las comunidades indígenas pueden presentar sus reivindicaciones de dominio ancestral a través del DENR, presentando prueba documental de su reivindicación sobre un territorio identificado. Esto incluye datos antropológicos, mapas, fotos y testimonios de ancianos, etc., que atestiguarán directa o indirectamente la "posesión u ocupación del área desde tiempos inmemoriales por tales comunidades culturales indígenas".

Los derechos de los pueblos indígenas al dominio ancestral es también reiterado en la nueva ley sobre las 1,6 millones de hectá-

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reas de áreas protegidas del país, Ley de la República No. 7586 (Ley Nacional de Sistemas Integrados de Áreas Protegidas de 1992). La nueva ley subraya la importancia de la participación de los pueblos en los programas de implementación dentro de las áreas protegidas, ya que una gran parte de las mismas invade el dominio ancestral de varios grupos.

El gobierno de Ramos endosa una ley legislativa sobre dominio ancestral como parte de su Agenda de Reforma Social (SRA). Sin embargo, tanto el Congreso como el Senado todavía no han reconciliado la Ley de la Casa No. 33 y la Ley del Senado No. 1728. Considerando que hay menos de un año para las elecciones de mayo de 1998, se necesita un gran milagro para que se promulgue como ley.

Los pueblos indígenas de las Filipinas han resistido y criticado vigorosamente estos diversos requisitos legales para el reconocimiento de su dominio ancestral. Han declarado, entre otras cosas, que han estado viviendo en estas tierras incluso antes del establecimiento del gobierno. Son considerados inadecuados por no conferir pleno reconocimiento a los derechos de los pueblos indígenas al dominio ancestral. Además, el registro del gobierno sobre los planes de manejo, participación comunitaria y programas de implementación deja mucho que desear. Por otro lado, algunos sienten que pueden ser utilizados tácticamente para obtener control sobre el área, para proteger los recursos restantes, e impedir nuevas incursiones a la misma. El DENR informó que en el primer trimestre de 1997, un total de 1.057.895 hectáreas de Certificados de Reivindicación de Dominio Ancestral (CADC) han sido emitidos para 75 grupos de indígenas.

Agresión desarrollista

Los proyectos de desarrollo como la construcción de represas para energía e irrigación, explotación minera y construcción de infraestructura de turismo han sido citados como una importante causa de preocupación por los pueblos indígenas. No sólo se encuentran generalmente dentro de áreas de dominio ancestral reivindicadas, sino que normalmente no se considera en la implementación de los proyectos ninguna medida para mitigar los impactos socioecónomicos y culturales de dichos proyectos. Y lo que es peor, las promesas del gobierno en cuanto al reasentamiento y a la indemnización generalmente no son cumplidas.

En la Cordillera, los *ibaloi* se oponen resueltamente a la Represa Multipropósito de San Roque, de un costo de FP 22 billones. El proyecto será construido en San Manuel, Pangasinan, río abajo en el Agno. Está considerada como la represa más grande de Asia y se espera que genere 345 megawatts de electricidad, irrigará 87.000 hectáreas de tierras agrícolas y reducirá la inundación de Pangasinan.

La oposición ibaloi a la Represa San Roque no carece de base. La Cordillera contiene también las represas de Ambuklao y Binga, cuya población afectada en los años 50 todavía recuerda amargamente las dificultades y las promesas incumplidas del gobierno. El río Agno está también sumamente contaminado por desechos de las minas abiertas de la Benguet Mining Corporation. El gobierno planea siete otros pequeños proyectos hidroeléctricos adicionales en la Cordillera. También han sido identificados cinco sitios potenciales de ubicación de plantas geotérmicas.

El Proyecto de Transcuenca y Diversión de Casecnan (CTDP) en la Sierra Madre es otro proyecto polémico que afectará severamente al pueblo *bugkalot* de Nueva Vizcaya. También serán afectados una cantidad de igorot reasentados en el área por la construcción de la represa Ambuklao en la Cordillera. Originalmente financiada por el Banco Mundial, el CTDP está siendo ahora desarrollado bajo un acuerdo de 20 años de construcción-operación-transferencia (BOT) entre el gobierno y la C.E. California Water and Energy Co. Los bugkalot, con el apoyo del clero de Nueva Vizcaya y organizaciones no-gubernamentales, siguen oponiéndose al proyecto a pesar de la fragmentación de la organización de su pueblo y el apoyo del gobierno local al proyecto.

La Ley de Minería de 1995 (R.A. 7942) resucitó a la moribunda industria minera filipina. Permite que una corporación 100% de propiedad extranjera opere en el país bajo un Acuerdo Financiero y de Asistencia Técnica (FTAA). A la firma se le aseguran 81.000 hectáreas de tierra durante 25 años y es renovable por otros 25 años por una inversión mínima de $50.000.000,00. A comienzos de este año ya habían unas 100 solicitudes FTAA que cubren 8.253.543 hectáreas. Dos ya están aprobadas, una en Mindanao para la firma Australiana Western Mining Corporation (WMCP), y otra en Kasibu, Nueva Vizcaya para ARIMCO. También a comienzos de 1997, 46 de las 150 solicitudes para el Acuerdo de Producción Mineral Compartida (MPSA) fueron aprobadas, cubriendo 67.369 hectáreas.

El FTAA de WMCP fue firmado en marzo de 1995; sin embargo,

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ha estado realizado exploraciones durante más de cinco años. Se le otorgó originalmente acceso a 89.669 hectáreas en el sur de Mindanao, atravesando cuatro provincias, Cotabato Norte y Sur, Sultan Kudarat y Davao del Sur. Unos 7.000 indígenas *b'laan* de 14 aldeas de Columbio, Sultan Kudarat, corren el riesgo de ser desplazados por las actividades mineras y de exploración.

En el norte de Palawan, Shell Philippine Exploration B.V. y Occidental Philippines (Oxy) están planeando construir un gasoducto de gas natural extraído del mar de 480 km, desde su campo de Malampaya extiéndose hasta Batangas, pasando por la tierra o bajo el mar fuera de la costa de Mindoro. Los *tagbanua* de las islas de Coron y Tara, que son pescadores de subsistencia y recolectores de nidos de aves, se oponen al proyecto. Sólo usan pequeños botes sin motor en sus actividades pesqueras. El proyecto Shell-Oxy limitará su acceso a una gran área del mar donde el gasoducto está situado. Con la asistencia de la Asociación Filipina para el Desarrollo Intercultural (PAFID), los tagbanua han delimitado su dominio ancestral usando el sistema de información global (GIS) y lo han presentado al DENR para su reconocimiento.

A pesar de la Ley del Plan Ambiental Estratégico de Palawan, que estipula que las zonas centrales deberían estar libres de cualquier actividad comercial como la minería extractiva, el proyecto de cemento Palawan de la firma canadiense Fenway Resources Ltd. y la Central Palawan Mining and Industrial Corporation ha sido favorablemente endosado por unidades del gobierno local de Española y Quezon en Palawan. Se cree que el proyecto de más de $323,8 millones contribuirá no sólo en términos fiscales sino también en la creación de fuentes de trabajo. Los *pala'wano*, los indígenas que serán desalojados por el proyecto piensan de manera distinta.

La cantera de piedra caliza de 15.000 hectáreas del proyecto, invadirá a la Fundación Tribal Domadoway que tiene un Certificado de Acuerdo Contractual de Mayordomía (CFSA) de 25 años en el área que cubre 2.530 hectáreas, de las cuales casi el 50% son bosques vírgenes. Las familias pala'wano directamente afectadas son alrededor de 2.000. Diversas agencias de desarrollo social de Palawan, conducidas por la Red de ONG de Palawan (PNNI) están coordinando con la comunidad para detener el proyecto.

Turismo

En Palawan, la llegada de turistas abrió nuevas oportunidades y disponibilidad de algunos productos para los batak, tagnbanua y pala'wan. Los establecimientos turísticos están utilizando a los indígenas como guías. Los canastos, alfombras y otros materiales culturales producidos por las poblaciones indígenas de Palawan son una mercadería popular como souvenirs. Se han comercializado sitios sagrados y las prácticas indígenas han sido trivializadas.

La isla Boracay en Pahan fue recientemente alabada como una de las mejores playas del mundo. Sin embargo, la dislocación de los ati de las isla ha sido ignorada.

La experiencia de los ati y palawan es algo que ha sucedido a otros pueblos indígenas, incluyendo a la Cordillera y a los lumad de Mindanao.

Destrucción del medio ambiente y pérdida de la biodiversidad

El bosque sigue siendo la zona ecológica más importante para los pueblos indígenas. Su utilización de recursos es producto de una profunda comprensión del medio ambiente y de su relación con el mismo. La mayoría de ellos cree que este es el hogar de las deidades y espíritus que gobiernan la existencia de la comunidad. Los campos "swidden" están ubicados en el bosque maduro o secundario. Las aperturas son también usadas para sitios secundarios de vivienda y huertas. El interior les provee de plantas y tubérculos en tiempos de escasez, de curas medicinales, sirve como campos de caza, recolección de miel y otros productos forestales para el comercio. Los ríos y corrientes son fuentes de pesca, crustáceos y conchas mientras que sus riberas suministran plantas comestibles.

La descontrolada e incesante destrucción de los bosques filipinos y eventualmente la pérdida de la biodiversidad acarrea graves repercusiones para los pueblos indígenas. En 1903, la total cobertura forestal de las Filipinas se ubicaba en un 70% mientras que en 1994 la única cobertura forestal restante se reduce al 18,95%. Entre las diversas consecuencias se encuentran una disminución de la cantidad de animales, la pérdida de plantas comestibles y eventualmente la destrucción de los hábitats. Los recursos que eran importantes y utilizados como artículos comestibles, rituales y medicinales y la riqueza tecnológica están siendo depredados y son escasos.

Los recursos forestales y los recursos marinos son considerados solamente como un inventario de riqueza extraíble y comercial,

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pero para los pueblos indígenas la disminución de los bosques puede significar la necesidad de viajar distancias más lejanas de sus asentamientos para proveerse y transportar los productos forestales comerciales a los mercados.

A pesar de una serie de políticas y programas ambientales del estado, la migración de las tierras altas y la invasión de sus territorios tradicionales sigue siendo desenfrenada. No sólo altera sus modelos tradicionales de subsistencia, resultando en una amplia gama de efectos sobre su cultura, sino que lo peor es que la mayoría de las veces conduce al dislocamiento de sus tierras ancestrales. En Luzón Central, las consecuencias de la erupción del Monte Pinatubo resultaron en la dispersión de los ayta de Zambales y Pampanga en diversos programas contraídos de reasentamiento, dónde subsisten principalmente de la ayuda y de pequeñas parcelas otorgadas a ellos.

La falta de adaptación de los pueblos indígenas a estas nuevas condiciones impuestas, han ejercido una presión sobre su medio ambiente que resultó en una pobreza generalizada debido a la fluctuaciones y disminuciones de las cosechas. Por lo tanto, en algunas áreas los mamanua de Surigao, los ati de Panay los igorot son forzados a convertirse en vendedores ambulantes en los centros poblados, vendiendo arcos y flechas, y parafernalia medicinal y mágica. Los casos de mendicidad se están convirtiendo también en un espectáculo más común. Esta es una situación que si no es detenida podría causar no solamente una tragedia ambiental sino también un etnocidio.

Intervención social

Estando entre los más marginados de la sociedad filipina, los pueblos indígenas no sólo no tienen acceso a la oportunidades del desarrollo de las sociedad dominante, sino que su misma existencia está en peligro de ser erradicada. La mayoría de los esfuerzos desarrollistas del gobierno y de las entidades no-gubernamentales han vacilado entre "preservarlos" o transportarlos a la llamada era moderna.

Desde los tiempos coloniales, cuando los planificadores estatales hablaban de desarrollo y de pueblos indígenas, tal desarrollo era generalmente medido por el grado de integración y aculturación con respecto a la sociedad dominante. Los programas y proyectos para los pueblos indígenas están administrados centralmente, con el propósito de "cristianizar", "civilizar" o "modernizar".

Tampoco es sorprendente que las diferentes iglesias despacharon una serie de misioneros para convertir a estos "paganos" en cristianos temerosos de dios. El Instituto Lingüístico de Verano (SIL) y la Misión de las Nuevas Tribus, para nombrar algunos, son muy activos en los estudios lingüísticos y en la traducción de la biblia para grupos indígenas.

Los programas de reasentamiento inducidos por la erupción del Monte Pinatubo en 1992, y los proyectos de desarrollo restringieron la movilidad de los pueblos indígenas y sus actividades económicas. Esto se ve agravado por su dislocación debido a las campañas militares del gobierno contra el Frente Democrático Nacional en el interior del país.

Los programas de intervención social como los proyectos de alfabetización, salud y socioeconómicos todavía no han manifestado efectos generales y duraderos sobre la cultura de sus beneficiarios.

El progreso de la subsistencia es generalmente medido en términos de una escala de desarrollo como resultado de una interpretación estrecha de la evolución social. Esto significa que se espera que una sociedad se mueva hacia arriba, de un escalón a otro, evolucionando en un tipo diferente de sistema. Estas son implicaciones sobre cómo el desarrollo debe ser medido. Basado en esta premisa, los pueblos indígenas se encuentran en la parte más baja de la escala y tienen que aceptar la modernización para ser "desarrollados".

Hay varias instancias en las cuales la asistencia provista por los proyectos de desarrollo a los pueblos indígenas no es apropiada. Esto puede ser causado por una mala interpretación o falta de comprensión de las características específicas de los pueblos indígenas, o debido al hecho de que demasiado frecuentemente los programas son implementados por personas provenientes de las tierras bajas. En vez de ayudarlos, tal asistencia no contempla sus creencias y culturas, y acelera su integración a la economía de mercado y la destrucción de sus relaciones sociales y políticas indígenas.

Fuentes:

Indonesia

Bulletin JATS. No. 01/Thn I/1997. "Eco Fascism" di Kawasan Konservasi: antara Lore Lindu dan Morowali. Jaringan Advokasi Tanah Sulawesi.

Kompas, 3 de abril 1997. TPHT Sulteng Menyita Ratusan Balok Diduga dari Taman Lore Lindu. Recorte de periódico.

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Kalimantan Occidental
Investigación in situ
Fuentes de internet
Down To Earth Newsletters
TIRAS
Jakarta Post
Forum Keadilan
Merdeka
Far Eastern Economic Review
The Economist
Neue Zürcher Zeitung.

Timor Oriental
Libros e informes:
Carmel Budiardjo, *Surviving Indonesia's Gulag: A Western woman tells her story*, Cassell: Londres, 1996.
East Timor Human Rights Centre, *Continuing Human Rights Violations in East Timor*, ETHRC: Fitzroy, Australia, 1996.
José Ramos-Horta, *Towards a Peaceful Solution in East Timor*, East Timor Relief Association: Sydney, 1996.
Rebecca Winters & Brian Kelly, *Children of the Resistance: The current situation in East Timor as seen through the eyes of two Australian tourists*, Australians for a Free East Timor: Darwin, 1996.

Artículos:
Rizal Mallarangeng & R. William Liddle, "Indonesia in 1995: The Struggle for Power and Policy," *Asian Survey*, febrero de 1996.
Stephen Sherlock, "Political Economy of the East Timor conflict," Asian Survey, septiembre de 1996.
Lars S. Vikør, "The Nobel Peace Prize 1996 and Its Implications," *NIAS nytt, Nordic Institute of Asian Studies*, no. 4, diciembre de 1996.

Revistas especiales:
East Timor: It's time to talk, British Coalition on East Timor, PO Box 2349, Londres E1 3HX, Reino Unido.
The East Timor Estafeta, East Timor Action Network, PO Box 1182, White Plains, NY 10602, EE.UU.
Tapol Bulletin, Indonesia Human Rights Campaign, 111 Northwood Road, Thornton Heath, Surrey CR7 8HW, Reino Unido.
Timor Link, Catholic Institute for International Relations, Unit 3,

Canonbury Yard, 190A New North Road, Londres N1 7BJ, Reino Unido.

Películas documentales
In Cold Blood: The Massacre of East Timor, por Max Stahl (pseudónimo), Yorkshire Television, R.U., 1992, 50 minutos.
Death of a Nation: The Timor Conspiracy, por John Pilger, Central Independent Television, R.U., 1994, 70 minutos.
Bitter Paradise: The Sell-out of East Timor, por Elaine Brière, Snapshot Productions, Canadá, 1996, 57 minutos.

Errata
En el último párrafo de la página 189 en "El Mundo Indígena 1995-96" se hace referencia al Consejo Socialista Nacional de Nagaland, seguido de una sigla (NPMHR). La sigla correcta es NSCN. Pedimos disculpas por cualquier tipo de inconvenientes que este error pueda haber causado, y queremos subrayar que el NPMHR -que significa Movimiento de los Pueblos Naga por los Derechos Humanos- no tiene ningún tipo de relación con el antes mencionado Consejo.

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1. Van Gujjar y Jaunsari

2. Jenu Kurubo, Betta Kuruba, Hakki-Pikki, Soliga, Yerava

3. Jumma

ASIA DEL SUR

INDIA

Las Áreas Registradas y los Panchayat Raj

El Artículo 40 de la Constitución de la India establece que *"el Estado tomará medidas para organizar los Panchayat aldeanos y los investirá con tales poderes y autoridad como sea necesario para permitirles funcionar como unidades de autogestión"*. Después de una larga espera de 42 años, la Constitución fue enmendada mediante la 73a. y la 74a. enmiendas relativas al Panchayat y los Municipios, respectivamente. Estas enmiendas tenían la clara intención de excluir las Áreas Registradas V y VI (constituidas bajo el Artículo 244 (1) y (2) de la Constitución) además de los estados de Nagaland, Meghalaya y Mizoram, las áreas montañosas de Manipur y el Área del Consejo Montañés Gorkha, para las cuales el Parlamento tenía que hacer legislaciones separadas. Las Áreas Registradas V son aquellas áreas de mayoría tribal notificadas por el Presidente en 1950 en los estados de Andhra Pradesh, Orissa, Bihar, Maharashtra, Madhya Pradesh, Rajasthan, Gujarat e Himachal Pradesh. Las Áreas Registradas VI incluyen el distrito de las Montañas del Norte de Cachar y el distrito Kaarbi Anglong de Assam, los distritos Khasi, Jaitia y Montaña Garo de Meghalaya, el distrito de las Áreas Tribales de Tripura y los distritos de Chakma, Mara y Lai, todos en el noreste. Los registros son ostensiblemente para el mejor gobierno de las áreas tribales. Pero el Parlamento no promulgó leyes apropiadas para las áreas dejadas fuera según las enmiendas 73 y 74.

En noviembre de 1993, el Frente Nacional para la Autogestión Tribal fue iniciado por Bharat Jan Andolan (Movimientos de los Pueblos Indios) - una coalición de movimientos basados en la lucha, en su mayoría movimientos *adivasi*, con la consigna de autogestión a nivel aldeano. Bajo la presión del Frente Nacional, se constituyó un comité de 22 miembros el 10 de enero de 1994 por el Gobierno, de los cuales 16 eran miembros adivasi del Parlamento, pertene-

cientes a diversos partidos políticos encabezados por Dilip Singh Bhuria, un miembro parlamentario adivasi de Madhya Pradesh - el estado con la mayor población tribal. Al Comité le fue asignada la tarea de recomendar directivas para la ley relativa a Panchayat Raj (Enmienda 73) para las Áreas Registradas V, tomando en consideración diversas previsiones específicas de la Constitución. El Comité (popularmente conocido como Comité Bhuria) presentó sus recomendaciones el 17 de enero de 1995. Las recomendaciones en sí mismas estaban lejos de las aspiraciones de los luchadores adivasis. Sin embargo, el Parlamento se negó a seguir las recomendaciones.

Para presionar en favor de la promulgación de legislación en el Parlamento acorde con las Recomendaciones del Comité Bhuria antes del 15 de agosto de 1995, y por una estructura funcional para antes del 2 de octubre, el Frente Nacional hizo un llamado para el comienzo de un movimiento de desobediencia civil en las áreas tribales del país y por la declaración de la autogestión. Se organizaron una diversidad de reuniones y manifestaciones para impulsar el tema. Mientras tanto, muchos estados, violando la Constitución, anunciaron la celebración (y en algunos estados las celebraron) de elecciones Panchayat en las áreas Registradas V de los respectivos estados. Las elecciones fueron pospuestas en los estados de Andhra Pradesh y Bihar por las Cortes Supremas. En febrero de 1996 comenzó una huelga de hambre por tiempo indeterminado por parte de 30 líderes adivasi del Frente Nacional en la capital, Nueva Delhi, y en el 13o. día de la huelga de hambre, el entonces Primer Ministro Narasimha Rao envió un emisario prometiendo una inmediata consideración de las demandas. Sin embargo, no sucedió nada y el país debía celebrar elecciones parlamentarias en junio de 1996. Una serie de partidos políticos se unieron formando el Frente Unido e incorporaron la promesa de promulgar una legislación según los lineamientos de las recomendaciones del Comité Bhuria en su Programa Mínimo Común.

Hacia la autogestión: legislación local y autogobierno

El Frente Nacional no esperó que el gobierno redactara la ley sino que en cambio preparó una redacción y la presentó al gobierno para su consideración. El gobierno continuó en su sopor. En septiembre unos 50 líderes adivasi fueron a Nueva Delhi y se reunieron con los Miembros Parlamentarios tribales y los Ministros Centra-

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les. Se les aseguró que pronto sería presentada una ley. El Frente Nacional hizo un llamado en favor de un bloqueo político de todos los funcionarios gubernamentales, quienes serían declarados personas *non grata* y no serían permitidos entrar a las áreas tribales a partir de noviembre de 1996. La Ley No.LVI de 1996 denominada "La Ley de Previsiones de los Panchayat (Extensión de las Áreas Registradas)" fue introducida en la Rajya Sabha (la cámara baja) y aprobada el 13 de diciembre y adoptada en el Lok Sabha el 19 de diciembre. Con la firma del Presidente de la India, se transformó en Ley el 24 de diciembre.

La Ley acepta dos importantes premisas: (i) la comunidad es la piedra fundamental del sistema y (ii) un sistema formal puede ser construido sobre el firme fundamento de la tradición y las costumbres de los adivasis. La comunidad compuesta de todas las personas en un lugar habitado o un grupo de lugares habitados y que manejan sus asuntos de acuerdo con las tradiciones y costumbres asumen el estatus de Gram Sabha. El Gram Sabha es investido con los poderes necesarios para salvaguardar y preservar las tradiciones y costumbres del pueblo, la identidad cultural, los recursos comunitarios y el modo consuetudinarios de resolución de disputas.

La organización administrativa a nivel de distrito debe seguir el modelo de previsiones según el Registro VI de la Constitución como en el noreste. Las Asambleas de los 8 Estados que contienen áreas Registradas tienen ahora que promulgar legislaciones que incorporen las previsiones de esta Ley dentro del plazo de un año, es decir, para el 24 de diciembre de 1997.

La Ley constituye un importante punto de partida ya que reconoce la comunidad y le confiere poderes específicos que otorgan legitimidad a la democracia participatoria. Esta ley puede cambiar el rumbo de la ola de injusticia y colonización. Sin embargo, la actual Ley desestima desgraciadamente muchas importantes recomendaciones del Comité Bhuria, pero a pesar de todo constituye un comienzo. La Ley no es aplicable a las áreas adivasi que no están notificadas como Áreas Registradas. Los estados de Kerala, Tamilnadu, Karnataka y Bengala Occidental no han registrado ninguna área adivasi. Muchos lugares habitados por adivasis en los 8 estados donde grandes áreas están registradas, todavía siguen sin registrarse. El Frente Nacional ha exigido ahora el registro de todas las áreas tribales y ha hecho un llamado a los adivasis a declarar sus aldeas como "Repúblicas Aldeanas" el 26 de enero de 1997, lo cual

ha sido realizado en forma ceremonial en miles de aldeas. La aprobación de la Ley es un incentivo que aumenta la determinación de los movimientos adivasi para intensificar sus luchas.

Tamilnadu

Con el cambio de gobierno en el Estado, en junio de 1996, se dio un pequeño paso en dirección a una posible identificación de los culpables del infame incidente de atrocidades contra los adivasis, que incluye la violación de dos mujeres en Chinnampathy, en Coimbatore, el 11 de junio de 1994 por la Fuerza de Tareas Especiales (STF) constituida por la policía y fuerzas militares para capturar a Veerapan -un famoso fugitivo y contrabandista de madera de sándalo que opera a partir de los bosques del oeste de Ghats- y su banda. Antes, la Comisión encabezada por el Juez Adicional del Distrito, la Sra. Bhanumathi, había acusado a la STF y ordenado el pago de compensación a las víctimas, en mayo de 1995 (ver Mundo Indígena, 1995-96). La Comisión había recomendado procedimientos contra los oficiales de la STF. Finalmente, la rueda de la justicia se movió un poquito más, cuando se llamó a más de 60 efectivos de la STF de Tamilnadu para un desfile de identificación celebrado el 20 de enero de 1997.

En el adyacente distrito de Periyar, Tamilnadu Pazhankudi Makkal Sangam (Organización de los Pueblos Indígenas de Tamilnadu) presentó una petición el 14 de marzo de 1996 al Magistrado Judicial Principal, Erode, la Corte Designada de Derechos Humanos constituida de acuerdo a la Ley de Derechos Humanos de 1993. Esta petición fue devuelta basándose en la falta de claridad sobre la magnitud y la jurisdicción de la misma Corte de Derechos Humanos. La Unión Popular por las Libertades Civiles (PUCL) llevó el asunto a la Suprema Corte, la cual está ahora en el proceso de tratar de clarificar la ambigüedad de la Ley en lo que respecta al funcionamiento de la Corte de Derechos Humanos.

En el caso de otro incidente de atrocidades cometidas por oficiales el 20 de junio en Vacchathi -una pequeña aldea en el distrito de Dharmapuri- que llevó a protestas generalizadas, la Oficina Central de Investigaciones (CBI) presentó una acusación ante la Corte del Magistrado Judicial de Coimbatore el 24 de abril de 1996. El incidente fue la secuela de un ataque por parte de los aldeanos a funcionarios del Departamento Forestal cuando éstos invadieron la aldea para recuperar madera de sándalo cortada en

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forma ilegal y golpearon a un adivasi antes, durante el mismo día. Como represalia, los funcionarios de los Departamentos Forestales, Policiales e Impositivos, sumando 267 individuos, atacaron a los aldeanos y 18 mujeres adivasi fueron violadas, muchos fueron agredidos brutalmente, más de 50 casas fueron destruidas, 33 personas, incluyendo a 16 niños, fueron retenidos en detención ilegal y los adultos fueron torturados. Los funcionarios irrumpieron en la aldea otra vez al día siguiente y destruyeron varias casas. Se presentaron cargos falsos contra 5 hombres y 26 mujeres. Esto fue seguido por misiones investigadores de PUCL, divulgación en los medios de difusión y agitaciones. El Partido Comunista de la India (marxista) apeló ante la Suprema Corte, la cual el 24 de febrero de 1995 ordenó una investigación por parte del CBI. Éste, después de la investigación presentó cargos el 4 de abril de 1996, acusando a los funcionarios y el caso está ahora siendo tratado en la Corte.

Las Montañas Kolli del este de Ghats se encuentran en los distritos de Salem y Trichy, conocidos por su rica flora y fauna. Hay más de 3.000 familias adivasi que viven en más de 250 aldeas, dependiendo de los bosques para su subsistencia. El Proyecto Hidroeléctrico de las Montañas Kolli, de 20 MW, con una inversión de capital de Rs. 800 millones propone la construcción de 6 represas y amenaza con desplazar a la gente, o restringir severamente sus derechos. El relevamiento para el proyecto, el cual requiere el corte de árboles para hacer una senda, ha comenzado, a lo cual se opuso el Comité de Acción de la Montaña Kolli que se presentó ante la Suprema Corte. El Banco Verde (medioambientalista) de la Suprema Corte observó que el Consejo de Electricidad de Tamilnadu no había obtenido un permiso ambiental por parte del Ministro de Medio Ambiente y Bosques y ordenó el cese de los trabajos.

Karnataka

El estado de Karnataka tiene un población tribal registrada de 1,9 millones de personas según el censo de 1991, aunque existe una extendida creencia de que menos de la mitad son adivasis. El 75% vive en Ghats occidental, principalmente los *jenu kuruba, yerava, soliga* y *paniya*, existiendo registros de que han vivido en la región desde el siglo VII D.C. según el Informe del Censo de Madras de 1891.

Se espera que en 1997 comience el proyecto de eco-desarrollo de US$67 millones, financiado por el Banco Mundial, en 7 lugares

de toda la India, después de haber sido aprobado por la Asociación de Desarrollo Internacional (IDA) y la Agencia Mundial para el Medio Ambiente (GEF) financiado el 5 de septiembre de 1996. En enero de 1995, en respuesta a una solicitud del Gobierno de la India, el Banco Mundial otorgó un Adelanto de Preparación de Proyecto de US$2 millones. El proyecto está destinado a cubrir los gastos de preparación del proyecto, mejora del manejo de áreas protegidas, eco-desarrollo aldeano, educación y consciencia, monitoreo e investigación sobre el impacto, manejo general de proyectos y preparación de futuros proyectos de biodiversidad. El Proyecto fue diseñado por el Instituto de Administración Pública de la India en noviembre de 1993 y el acuerdo fue firmado el 28 de julio de 1996. Los siete lugares están localizados en Bengala occidental (Reserva de Tigres Buxa), Gujarat (Parque Nacional y Santuario Gir), Bihar (Reserva de Tigres Palamau), Madhya Pradesh (Reserva de Tigres Pench), Kerala (Reserva de Tigres Periyar), Rajasthan (Reserva de Tigres Ranthambore) y Karnataka (Parque Nacional Nagarhole/Rajiv Gandhi).

En el Parque Nacional Nagarhole/Rajiv Gandhi de Karnataka, la población total del área del proyecto fue estimada en 72.652 (censo de 1981) de los cuales 6.888 son adivasis que junto con 5 familias no-adivasis viven dentro del Parque, mientras que el resto vive en un radio de 5 km en 96 aldeas.

Nagarhole, la antigua reserva de caza real fue constituido como Santuario el 2 de julio de 1955 con un área de 57.155 hectáreas. El Gobierno de Karnataka declaró 180 km2 como Santuario de la Fauna Nagarhole en 1972. El proceso de re-clasificación del santuario como Parque Nacional comenzó el 1 de abril de 1983 y aumentó su extensión a 643,39 km2. Es rico en vida animal y forma parte de los 4.500 km2 de la Reserva de la Biosfera Nilgiri.

Habiendo vivido antes libremente en los bosques, los adivasis fueron reducidos a trabajadores asalariados por parte del Departamento Forestal, en las plantaciones de teca y kedda. Hace dos décadas, personas no-adivasis habían comenzado la invasión y habían logrado obtener pequeñas parcelas de unos 250 acres. Hay 58 poblados adivasi dentro del parque con una población de 6.888 personas pertenecientes a los *jenu kuruba, betta kuruba, hakkipikki, soliga* y *yeravas* y 5 familias no-adivasis que cultivan unas 10 hectáreas. La Ley de Protección de la Fauna de 1972, decididamente colonial, prevé la extinción de todos los derechos de los habitan-

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Tratados como intrusos ilegales en sus tierras ancestrales: residentes de Nagarhole Hadi, una comunidad jenu koruba en el Parque Nacional Nagarhole (Karnataka, India). (Foto: Diana Vinding)

tes locales de los Parques, prohibiendo en efecto la misma habitación, con la resultante expulsión.

Antes de 1972, la gente era explotada, convirtiéndose en trabajadores forzados para el Departamento Forestal, cambiaban de un lugar a otro de acuerdo a sus necesidades de trabajo. Desde 1972, unas 6.000 personas han sido expulsadas sin misericordia. Las personas restantes en Nagarhole son consideradas como intrusos ilegales. Se han convertido en trabajadores en establecimientos rurales o peones, se les ha prohibido forzadamente cultivar sus tierras en 40 de las 54 aldeas y en cambio han sido plantadas con teca, bambú y eucaliptos, las zanjas cavadas por los funcionarios cortan sus campos y senderos, son constantemente hostigados por utilizar los recursos forestales para satisfacer sus necesidades básicas, se les niega el programa de desarrollo supuesto para los adivasis, con el resultado de muertes por inanición y desnutrición. En nombre de ofensas forestales, los adivasis son amenazados de ser sacados a la fuerza de sus viviendas por los funcionarios del departamento forestal para sumarse a los 500.000 adivasis de los 600.000 desplaza-

dos a causa del establecimiento de 75 Parques y 421 Santuarios en todo el país.

La propuesta es reasentar 843 familias que viven en 27 aldeas ubicadas en la parte de Kodagu y otras 506 familias de 24 aldeas de la parte Mysore de Nagarhole en 5 lugares -Beerathammanahalli, Muddanahalli, Sollepura y Veeranahosahalli, en un área de 3.050 acres. La mayoría de la gente ya ha experimentado el desplazamiento más de una vez cuando el área fue declarada un santuario y fueron construidas importantes represas en los ríos Kabani, Tharaka y Nugu.

La Directiva Operacional 4.20 sobre Indígenas del Banco (IP) es para asegurar que los pueblos indígenas no sufran efectos negativos, que haya una participación informada y que se beneficien, y la 4.30 sobre Reasentamiento Involuntario brinda directivas y principios como que la reubicación mejore, o al menos restaure, una base económica y niveles de vida, la participación en el proyecto afectado de reasentamiento y un paquete indemnizatorio.

El gobierno de Karnataka confirmó que desde la pre-evaluación de 1994 no ha iniciado ninguna actividad que pueda ser considerada como una implementación de un plan de reasentamiento que no haya sido revisado y aprobado por el Banco. La violación de esta garantía por el gobierno de Orissa llevó al Banco a excluir la Reserva de Tigres Simlipat del Proyecto. El gobierno de Karnataka había planeado en realidad reubicar las 1.550 familias que actualmente viven dentro del parque entre 1993 y 1996, incluso antes del acuerdo con el Banco. El Departamento Forestal preparó una propuesta para reubicar a 6.145 personas, es decir, a todos los que viven dentro del Parque de acuerdo a sus estimaciones, lo cual fue aprobado.

Con la perspectiva de que el proyecto de eco-desarrollo del Banco Mundial brinde un botín de millones de dólares, la presión para forzar a los adivasis a abandonar su tierra escaló. Pero la organizada resistencia del pueblo y el apoyo de diversos sectores hicieron que ésto fuera sumamente difícil. Además, era obvio que las tácticas de mano dura a las cuales el departamento forestal está adaptado y usaba, no podían ya mantenerse ocultas frente a la opinión pública como en tiempos pasados. El carácter neocolonial y los intereses del proyecto del Banco Mundial fortalecieron naturalmente al estado y al departamento forestal contra los habitantes originarios de Nagarhole.

Con el aumento del interés, nuevos interesados comenzaron a unirse para la total colonización de Nagarhole. Con más de 30.000 visitantes a este Parque de la fauna de alta densidad, la liberalización de la economía y con el otorgamiento de términos favorables en una base prioritaria a la altamente lucrativa industria turística por parte del poder central y estatal, el grupo hotelero Taj decidió acaparar este potencial (eco-)turístico casi inexplotado antes de que sus habitantes pudieran ser expulsados con el garantido apoyo del Banco - típicamente la coalición del Banco Mundial, el Estado y el sector privado para coordinar la expropiación de los recursos del pueblo en su propio favor.

El aserradero del pueblo de Murkal en Nagarhole, que fue entregado a "Karnataka State Forest Industries Corporation Limited" en 1975 fue transferido a "Karnataka Forest Plantation Corporation (KFPC)" en 1987 para el establecimiento de un centro de recepción con las respectivas facilidades vinculadas, tal como cabañas, balnearios, habitaciones para el personal, comedor al aire libre, plataforma panorámica, etc., parcialmente cerca del área central. Esto cubre un área de 56,41 acres. Aunque la construcción comenzó en 1985 para alentar el turismo de la fauna y para la expansión de KFDC, éste fue incapaz de administrarlo, lo cual no es sorprendente. KFDC llamó a arrendatarios para administrar el complejo en 1989. Cuando los Hoteles Oberoi retiraron su oferta en 1991, se aprobó que el complejo hotelero (Wildlands - India) fuera otorgado a "Gateway Hotels and Gateway Resorts Limited" del Grupo Taj en arrendamiento durante 18 años, el 25 de junio de 1994.

Con el tema de la autogestión, encabezado por el Frente Nacional para la Autogestión Adivasi, esparciéndose en los cinturones adivasi del país durante 1995-96, la campaña y protestas contra el proyecto de eco-desarrollo del Banco Mundial en Nagarhole se intensificaron a partir de comienzos de 1996. Si bien el acuerdo pendiente con el Banco Mundial para el proyecto de eco-desarrollo a mediados de 1996 amenazó con acelerar el desplazamiento de los adivasis de Nagarhole, el comienzo del llamado "trabajo de renovación" en los existentes edificios de Murkal en febrero de 1996 para los turistas de alta categoría ejemplificó la grave injusticia en fuerte contraste. Los adivasis respondieron con protestas contra la Taj, bloqueando la construcción en agosto de 1996. No obstante, Taj estaba determinada a proseguir con la construcción. El ministerio

del interior del estado, ordenó a la policía de Kodagu detener la construcción por parte del grupo Taj para evitar más tensiones y posibles conflictos, hasta que la cuestión fuera resuelta. La directiva general de que las tierras forestales no debería ser enajenada para propósitos no-forestales según la Ley de Conservación Forestal de 1980 fue puesta en vigencia. Desalentando el establecimiento de hoteles, balnearios y otras industrias dentro y cerca de los Parques Nacionales, aquella demasiado cerca de la zona central ha sido también descartada en este caso. Cuando Taj recomenzó la construcción a fines de diciembre, el pueblo resolvió impedirlo. Las autoridades decidieron apoyar a Taj, lo cual ha conducido a arrestos en masa que comenzaron el 23 de diciembre, cuando 21 adivasis, incluyendo mujeres y niños, fueron arrestados. 76 fueron arrestados el 23 de diciembre, 23 fueron arrestados el 24, 72 fueron arrestados el 25 de diciembre y otros 23 el 26 de diciembre. Esto fue seguido por un bloqueo total (*bundh*) de Nagarhole el 29 de diciembre, cuando los 6 caminos que conducen al Parque fueron bloqueados.

En ocasión de la petición de demanda presentada en la Suprema Corte en Bangalore por Nagarhole Budakattu Hakku Sthapana Samithi (Foro para la Restauración de los Derechos Adivasi de Nagarhole) y otros, la sentencia de la Suprema Corte del 20 de enero de 1997 declaró que la asignación de una porción de tierra forestal al Grupo Taj era una grave violación de la Ley de Protección de la Fauna de 1972 y la Ley de Conservación Forestal de 1980. Tanto el gobierno estatal como el Grupo Taj han violado estas leyes. Por lo tanto, "Gateway Resorts Limited" del Grupo Taj fue ordenado a "detener inmediatamente todas sus actividades en la tierra forestal en cuestión y entregar su posesión al Gobierno Estatal".

Kerala

Con la aprobación de la Ley de Enmienda de las Tribus Registradas de Kerala de 1996, el 23 de septiembre de 1996 por la Asamblea Estatal de Kerala, la cuestión de la tierra adivasi se transformó en el tema político más importante del estado. Esta Ley trata de enmendar la Ley original de Tribus Registradas de Kerala (Restricción de Transferencia de Tierras y Devolución de Tierras Enajenadas) de 1975 (Ley KST, 1975).

La Enmienda proclama, en efecto, todas las transacciones de tierras adivasi durante el período 1960 a 1986, que fueron calificadas como no válidas en la Ley KST original, como válidas y legales

y por lo tanto no necesitan ser devueltas. En cambio, se proveerá un equivalente en tierras y Rs. 25.000. Todas las transferencias de tierras de los adivasis a no-adivasis quedan restringidas a partir del 24 de enero de 1986 en vez de 1982 como en la Ley original.

Primero que nada, la Ley KST de 1975 en sí misma no encara de una manera importante la verdadera dimensión de la enajenación de tierras simplemente porque trata sólo de aquellas tierras enajenadas para las cuales es disponible una prueba de propiedad anterior. La mayoría de las tierras enajenadas son aquellas de usufructo tradicional para las cuales no se ha conferido usufructo por el estado. De más de 8.000 solicitudes presentadas, más de 3.000 han sido rechazadas por falta de prueba adecuada de propiedad de la tierra por el solicitante. Por lo tanto, se trata sólo de unas 5.000 solicitudes. Como la Ley entró en vigencia en 1975, todas las tierras transferidas desde 1975 deberían haber sido declaradas no válidas en vez de considerar a 1982 como el año determinante en la misma Ley original y en la enmienda de 1986. La enmienda habla de brindar tierra alternativa equivalente. Pero en un estado conocido por tener un excedente de tierras muy pequeño, es sospechoso que 23.000 hectáreas de tierra adquiridas por el gobierno bajo la Ley de Bosques Privados de Kerala (Concesión y Asignación) de 1972, que según esa ley deben ser distribuidas entre los adivasis sin tierra (también todavía a ser implementada), sean usadas para ese propósito. Las organizaciones adivasis han exigido que en cambio se dé a los colonos tierras alternativas y asistencia financiera. Esto expone el enfoque discriminatorio cuando se trata de los adivasis.

La Enmienda fue enviada al Presidente de la India cuya aprobación es obligatoria. Las protestas contra la Enmienda se expandieron por todas las localidades adivasi del estado y también por sectores no-adivasis que sintieron que se está perpetrando una grave injusticia contra los adivasis. Las protestas tuvieron apoyo de otros grupos fuera del estado y se lanzó instantáneamente una campaña de apoyo, presionando al Presidente a rechazar la Enmienda.

Las cosas se complicaron aun más cuando el 4 de octubre el Dr. W.R. Reddy, Recaudador del Distrito de Palakkad, fue tomado como rehén por cuatro jóvenes que alegaban pertenecer a un desconocido grupo marxista-leninista llamado "Ayyabjaki Pada" (Fuerza Ayyankali) exigiendo la retirada de la Enmienda. El tenso drama de 9 horas, el primer incidente del tipo en el estado, terminó

cuando a los secuestradores les fue permitido irse en libertad después de liberar al Recaudador. Este acontecimiento conmovió al gobierno y el tema de la tierra en sí mismo comenzó a ser el punto central de un debate político y de intensa actividad. La especulación sobre más actividades militantes de ese tipo fue suficiente para que el estado lanzara un intenso control policial y de vigilancia contra los activistas y simpatizantes. El temor es que las luchas que han sido pacíficas hasta ahora se tornen violentas a pesar de la fuerte condena de la toma de rehén por parte de las organizaciones adivasi y Adivasi Ekopana Samithy. La furia y las protestas contra la enmienda se intensificaron y se extendieron aún más. También lo hizo la apropiación de tierras por los adivasis.

En diciembre, una delegación de ministros y líderes de diversos partidos políticos encabezada por el Primer Ministro de Kerala, E.K. Nayanar, del Partido Comunista de la India (marxista) se reunió con el Primer Ministro, los Ministros Centrales y el Presidente en Nueva Delhi para ejercer influencia sobre ellos para que aprobaran la enmienda. Se celebraron protestas contra la enmienda en Delhi por parte de diversos grupos en las cuales participaron también líderes adivasi de Kerala. Dada la fiera polémica sobre la deseabilidad de la enmienda, se informa en forma generalizada que el Gobierno Central tiene la intención de retenerla por el momento sin pasarla al Presidente, ni rechazar ni devolver la Enmienda, lo cual causaría una pérdida de imagen para el gobierno de Kerala.

Maharashtra

Los pueblos indígenas, que suman 7.318 *lakhs*, de acuerdo al censo de 1991, constituyen el 9,27% de la población del estado y el 10,80% de la población indígena del país, acercándose estas cifras solamente a las de Madhya Pradesh. Hay 47 tribus en Maharashtra, de las cuales 17 son numéricamente y etnográficamente importantes. Las principales tribus registradas son los *bhil, gond, mahadeo kolis, warlis, kodnas, korkus, malhar kolis, gamit, thakar, dhor kolis, pardhis, andh, pradhan* y *dhandas*, mientras que los *katkaris, kolam* y *madia gond* están también clasificados como tribus primitivas. Los pueblos indígenas están presentes en 14 de los 31 distritos del estado, y están concentrados en las regiones montañosas y boscosas de los macizos montañosos de Sahayadhris y Mahadeo en los distritos de Thane, Raigharh, Nashik y Dhule y en el macizo de Satpuda en Gondwana central, comprendiendo a los distritos de

Bhandara, Chandrapur Ghadchiroli, Hagpur y Yavatmal. El estado es rico en muchos aspectos, tanto en cultura tribal como en historia de resistencia tribal contra los británicos.

Los indígenas son conocidos por su rica vida cultural, la variedad de su vestimenta colorida, el amplio espectro de danzas rítmicas y expresivas con vestimentas ornamentadas y formas variadas de expresión cultural y ceremonias rituales. La expresión gráfica de cómo viven y aman, trabajan y descansan, celebran y disfrutan constituye una fascinante lectura y lo que es mejor, una fiesta visual. La parte triste de esta imagen es la descripción emergente de la realidad orgánica de la vida tribal, con sus valores presentes, la comercialización de su belleza trivializada y ritualizada como exótica, fosilizada como piezas de museo, o disfrutada como cualquier otro espectáculo carente de sentido. Se ha prestado poca atención al hecho de que la riqueza de las formas culturales son la creatividad de los indígenas, cuya base material radica en la simplicidad, la alegría, y la agricultura extractiva no acumulativa y que no produce excedente. Las formas de lograrlo fue a través de la enseñanza de sus miembros en los valores de igualdad, cooperación, vida comunitaria y solidaridad. Por lo tanto, las formas culturales son el producto y el proceso de la constitución de una escala de valores. Bajo el asalto de las fuerzas de la "homogeneización y la modernización", categorizados como atrasados y primitivos, asaltados por el mercado, enfrentados a la pérdida de las condiciones materiales, los indígenas están abandonando rápidamente estas ricas expresiones culturales y tradicionales en favor de la "marcha progresista de la historia".

La mayoría de las comunidades indígenas tienen sus propias tradiciones y prácticas religiosas. Su culto está centrado en torno de las fuerzas de la naturaleza y del bosque. El primer lugar lo ocupa la diosa madre, llamada bajo diferentes nombres como Himai, Palghata, Mari-Ai, Dongar, Kanseri, Pandhardevi, Dhartari. El otro es el espíritu del bosque llamado Hirva o Naran, el cual es también reverenciado como espíritus familiares. El espíritu que cuida de la aldea y de sus miembros es Waghoba o Waghdeo, (el dios tigre), el dios de la seguridad. Los indígenas temen a los espíritus malignos, incluyendo aquellos de la muerte, al cual llaman Cheda, Supli o Hedli. El culto de los ancestros *vir* y *pitar* es central. La mayoría de los clanes están organizados en torno a tótems, generalmente la flora y la fauna de los bosques. Cada clan protege su tótem. El culto

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es realizado en nombre de la comunidad por los *bhagat* o *badwas* o *kamadi*. Los festivales religiosos de los indígenas siguen de cerca el ciclo de la naturaleza. Sin embargo, las celebraciones coinciden frecuentemente con festivales hindúes para dar la impresión de que están celebrando un festival hindú. Un ejemplo es el festival *warli* de Shimga, que marca la celebración de la primavera y de la dependencia de la comunidad del bosque en lo relativo a alimentación y subsistencia durante los meses de hambre, antes de las lluvias. Sin embargo, como Shimga coincide con la celebración de Holi, algunas de sus festividades se han introducido al primero. Dependiendo de las circunstancias, diversas comunidades tribales se encuentran en diversos estadios de "indostanización" o "sanscritización". Cediendo ante las olas de la "sanscritización" y el ataque a sus tradiciones como "atrasadas y primitivas" varias tribus, en su búsqueda de una "identidad no atrasada", han comenzado a autodenominarse "hindúes". La adopción de deidades hindúes en su panteón es constante, aunque las nuevas deidades no tienen ningún lugar real en sus tradiciones religiosas.

Las comunidades tribales tienen sus formas tradicionales de organización social y política, las cuales permanecieron inafectadas durante el período medieval y colonial. Durante esta época, los indígenas, principalmente los *gond* y los *bhil* eran los principales soberanos de las amplias áreas tribales de la India central y occidental. Por razones de lejanía o resistencia, los reinos tribales mantuvieron su identidad y existencia como reinos dentro de reinos. Una indicación del mismo fenómeno es la política británica de tratar a las franjas tribales como "excluidas" y "parcialmente excluidas" a los efectos de la administración, lo cual se vio consecuentemente reflejado en la Lista V y VI de la Constitución de la India. Las formas tradicionales de autogestión sufrieron severos ataques en el período posterior a 1947, cuando las formas de gobierno de la India independiente reemplazaron a las estructuras tradicionales. Sin embargo, en la mayoría de las comunidades, los dos sistemas funcionan en forma paralela, con ámbitos independientes de autoridad y control. Los *panchayats* tradicionales, administrados por los ancianos elegidos por consenso y junto con un jefe hereditario, o sin él, llamados *chaudhari, karbhari, mahajan, mukhiya, ghatya, panch, patel, mokasi, naik, khot*, tomaban decisiones en el ámbito social, cultural y religioso. Las instituciones patrocinadas por el estado se hacen cada vez más atractivas por el dinero que aportan. El papel

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de las comunidades tribales como sociedades autónomas autogestoras ha sido finalmente reconocido por el gobierno por ley aprobada en diciembre de 1996. La nueva ley, que constituye el primer alejamiento del gobierno colonial, otorga a la aldea tribal el poder de monitorear su propio desarrollo, manejar sus recursos, física, social y financieramente y controlar la explotación que la comunidad ha enfrentado incesantemente.

Las mujeres de la sociedad tribal de Maharashtra, como en cualquier otro lugar, enfrentan una existencia esquizofrénica. Por un lado gozan de una relativa igualdad en cuestiones de matrimonio, elección de esposo, divorcio y nuevo casamiento, pero la corrupción de la dote y el *dawa* están socavando esta igualdad, convirtiéndose en víctimas de un cruel patriarcado. En algunas sociedades, p. ej., los warlis, las mujeres han documentado la intrusión del patriarcado con la dispersión de la propiedad privada, particularmente en el período colonial y poscolonial.[1] Quedan todavía rastros de sociedades centradas en la mujer, la diosa madre es la deidad central, las mujeres todavía gozan de un papel importante como "sacerdotisas" como las *khavleri* y *suvasin* en los ritos de pasaje (*zoli*, por el cual un niño es admitido en la tribu y *lagin* que convierte a las personas en miembros adultos de la tribu entre los warlis). No obstante, toda mujer es una bruja potencial y enfrenta la posibilidad de ser lapidada.[2] Las mujeres, en su gran mayoría, son marginadas en la sociedad tribal ya que enfrentan la triple opresión de ser mujeres, tribales y trabajadoras.

Maharashtra tiene la distinción de ser un estado donde coexisten los extremos. Mientras que el estado se jacta de ser el estado industrializado más avanzado del país, la pobreza de los indígenas de Maharashtra es abismal. Un estado que alega gozar de unos de los niveles de vida más altos del país tiene que enfrentar miles de muertes por inanición y desnutrición. Aunque reclama una rica historia de reforma social, la explotación de los indígenas de la región era lo suficientemente mala para que la Comisión Symington lo calificara de mancha de la administración.[3] El estado, que se jacta del éxito de su reforma agraria, también lleva el estigma de una extrema enajenación de la tierra tribal. El gran abismo que separa a los indígenas del resto de la población de Maharashtra llama a un muy serio examen.

Buscando respuestas que correspondan a la realidad, aparece una directa correlación entre la intensificación de la enajenación de

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la tierra tribal, la restricción del acceso a los recursos para la supervivencia basados en la tierra, la pérdida del hábitat y los recursos para la supervivencia, debido al desplazamiento, la pauperización indígena de rápido crecimiento, y el progreso económico general del estado.[4] El complejo nexo entre estos cuatro parámetros que definen la situación tribal despierta graves preocupaciones relativas a la mera supervivencia de los indígenas de Maharashtra.

Un problema que distorsiona el análisis de la situación y es causa de alarma es el "rápido" crecimiento de la población tribal en las dos décadas pasadas. El censo de 1971 informó que la población de Tribus Registradas (ST) es de 2,95 millones, correspondiendo al 5,85% de la población de 50,41 millones de personas del estado, pero el censo del 81 da una cifra de 5,7 millones de ST, representando el 9,2% de los 62,78 millones de habitantes. A pesar de las muertes por inanición, la mortalidad infantil, los indígenas habían aumentado su número inexplicablemente en un 195%. En la próxima década, la población se disparó a 7,31 millones o sea el 9,27% de los 78,92 millones de habitantes en 1991. Este pronunciado aumento de más del 195% entre 1971 y 1981 y del 78,87% entre 1981 y 1991, y en términos reales de un 247% en dos décadas a partir de 1971, es debido principalmente a la cuestionable inclusión, para obtener beneficios políticos, de una cantidad de grupos económicamente prósperos en la lista de ST.[5] El aumento en cifras, además de distorsionar la imagen demográfica, tiene efectos aún más desastrosos. Los verdaderos indígenas están siendo empujados hacia abajo, en forma irrevocable, en la "escalera del acceso o de la reivindicación". Sin entrar en el debate de si las políticas de reservación y los programas de desarrollo adoptados por el estado han resultado en un real desarrollo de los indígenas, la inclusión de "grupos no-tribales" hasta ese momento oprime aún más a los pauperizados indígenas y los empuja inevitablemente fuera del proceso de desarrollo. Los recursos otorgados para el desarrollo tribal son cada vez más magros, pero muy significativamente, los nuevos grupos incluidos, relativamente más prósperos económicamente, se llevan la parte del león, tanto de los recursos como de las oportunidades de progreso educativo, social y económico y otras medidas de bienestar. El nuevo sector también se apropia de las tierras de los grupos tribales, pero estas transferencias de tierra son "legales" ya que son consideradas inter-tribales. Los grupos tribales

oprimidos, privados de los recursos para el desarrollo, están condenados no sólo a permanecer en los niveles de inanición sino que también están perdiendo acceso a los recursos para la supervivencia a un paso muy acelerado.

Un problema importante es la enajenación de la tierra tribal, un pivote central de la vida tribal. Tradicionalmente, los derechos individuales al goce de los recursos basados en la tierra estaban incluidos en sistemas comunales de acceso y manejo de recursos.[6] La tierra circunscribía la existencia individual y comunitaria como una extensión de la consciencia colectiva, con un significado social (pertenencia a una comunidad), cultural (vínculo con tradiciones, ética y estilo de vida) y político (base material para el poder de los mayores). Según las palabras de un anciano indígena, la tierra y los bosques en el "tiempo actual" son los medios mediante los cuales la comunidad transfiere su pasado (historia, cultura, ética, tradiciones) a las generaciones futuras y es el vínculo vital "permanente" entre generaciones "transitorias" de seres humanos y por lo mismo implican la consciencia. La pérdida de tierras es la base de la alienación, ya que el individuo o la comunidad son desarraigados de la articulación concreta de su consciencia y son progresivamente empujados hacia la anomia. Esto está relacionado con la disonancia de papeles en el medio económico, sociopolítico y cultural.[7] La reforma agraria ha sido un fracaso ya que las leyes rurales estaban arraigadas en la matriz de la práctica colonial rural que ubicaba a los indígenas sin tierra y al terrateniente al mismo nivel legal, con las mismas presunciones y procedimientos legales, también de origen colonial, negando la intención de las reformas agrarias. Las distorsiones introducidas por el gobierno colonial fueron aceptadas como los elementos cruciales del marco legal para la implementación de políticas y programas en las áreas tribales. Las leyes en el papel, de la dispensación colonial, fueron otorgadas el lugar de privilegio, por sobre las leyes concretas por las cuales se regía la gente. Un indicador alarmante son las cifras del censo de 1971, las cuales informan que la cantidad de agricultores indígenas disminuyó en un 22.65% de 7.25 *lakh* en 1961 a 5.61 *lakh* en 1971, precisamente cuando la implementación de la reforma agraria estaba en su cima. Si bien los indígenas lograron la posesión de sus tierras según la ley,[8] la enajenación de las tierras continuó ya sea mediante registros ilegales o permisos otorgados por los Colectores a transferencias de tierras a personas no-tribales.[9] Hoy, casi todos los indígenas son pequeños campesinos que poseen parcelas no rentables o

agricultores parcialmente propietarios y parcialmente asalariados. Ellos practican la tecnología más primitiva pero sin embargo la más ecológica. Están muy adeudados y la tierra que han cultivado durante generaciones les ha sido enajenada. Aunque se han hecho intentos de otorgar tierras a los indígenas, en muchos casos la tierra pasa a manos de personas no-tribales a pesar de la prohibición legal contra tales transferencias. Elementos inescrupulosos de la sociedad se aprovechan de la honestidad de la naturaleza simple e inocente de los indígenas.[10] Esto implica que los indígenas constituyen el sector más pobre de la sociedad, ubicándose muy por debajo del nivel de pobreza. La alta mortalidad infantil, la permanente desnutrición de las mujeres y los niños y las muertes por inanición de niños, indicadores de los niveles de pobreza de la comunidad, son bastante extendidos y esta característica ha sido de conocimiento público sólo recientemente, a pesar de la enormidad de esta catástrofe humana. La incidencia de las muertes por inanición, sin embargo, no se confina solamente a las áreas inaccesibles y atrasadas del estado sino que ocurren con regularidad incluso en el distrito de Thane, el cual es adyacente a la capital estatal y al centro financiero e industrial de Bombay.

Quizás la mayor amenaza a la civilización tribal está constituida por el tránsito a la construcción nacional posterior a 1947. A pesar de los principios de Panchsheel prometidos por Nehru, la marcha del progreso de la India independiente ha empujado a los indígenas al borde de la supervivencia. La construcción de la nación como un gigante económico e industrializado ha quebrado la espina dorsal de los indígenas. El estado ha sido la única agencia de envergadura para la enajenación de la tierra indígena en la era posindependentista. Las minas, las propiedades industriales, los proyectos hidroeléctricos, los centros urbanos y las transferencias planificadas de población llevan la marca de la colonización interna. El llamado por un país socialmente homogéneo, particularmente en el paradigma hindi-hindú-indostano ha reprimido las lenguas indígenas, violado las culturas, destruido las civilizaciones. La creación de una política unificada y centralizada y la extensión de los sistemas formales de gobierno ha maculado las instituciones de autogestión de los indígenas y con ello, su coherencia interna. La creación de regiones administrativas no sólo ha fragmentado regiones tribales orgánicas, integrales, sino lo que es peor, ha reducido a los indígenas a pueblos marginados en la mayoría de las áreas. Más de 10 millo-

nes de indígenas han soportado el peso de la construcción nacional y han sido condenados a vivir sus vidas como refugiados ecológicos en condiciones que se acercan al etnocidio.[11] Lo que es cierto para el todo, es cierto para las partes, y Maharashtra no es ninguna excepción.

Un fenómeno único en las áreas tribales de Maharashtra en las dos últimas décadas es el surgimiento de formaciones de izquierda no-partidarias. La desilusión con el proceso político partidario motivó a la juventud a elegir nuevas opciones, a dirigirse hacia los grupos oprimidos y marginados y abocarse creativamente al proceso de su articulación, aserción y autonomía.[12] El impulso de su compromiso abarcó desde la implementación de programas de mitigación de la pobreza, favoreciendo el desarrollo participatorio, movilizando por la lucha por los derechos, para crear "espacios para la acción popular" y para ampliar las "formas cotidianas de la lucha", hasta la movilización política para enfrentar las relaciones de poder establecidas.[13] A partir del fin de los años 60, particularmente después de la "Emergencia", comenzaron a surgir una serie de grupos de acción, grupos políticos, formaciones políticas no-partidarias y grupos de apoyo.[14] Aunque algunos grupos adoptaron posturas no-ideológicas, su intervención en el espacio tribal fue política, con orientaciones ideológicas que iban desde el neo-gandhinismo al marxismo-leninismo, recurriendo a fuentes tan diversas como Paulo Freire, la Teología de la Liberación, JP, Ambedkar y Phule. Se daba prioridad a la praxis y las discusiones sobre metodología fueron de la mano con el desafío teórico a las ideologías convencionales y la contribución a la nueva teoría de la lucha. Al encarar temas que concernían directamente a los indígenas y al construir organizaciones militantes, las formaciones izquierdistas no-partidarias como Shramik Sanghatna en Dhule, Bhoomi sena, Kashtakar Sanghatna y Shramjivi Sanghatna en Thane, Shramik Kranti Sanghatna en Raighad, han surgido como una importante fuerza social.[15]

Quizás el acontecimiento más importante en la India indígena en los últimos meses sea la ley promulgada por el Parlamento asegurando a los indígenas el derecho a la autogestión. La Enmienda 73 de la Constitución sobre autogestión no fue automáticamente extendida a las áreas tribales. Haciendo caso omiso de la prohibición constitucional, varios estados promulgaron leyes para las áreas tribales de acuerdo con la enmienda. Esto fue combatido por organizaciones tribales en Andhra Pradesh, Maharshtra y Bihar y des-

echadas como inconstitucionales, dejando un vacío constitucional en las áreas tribales. Aprovechando la oportunidad, los indígenas del país se unieron en el Frente Nacional para la Autogestión Tribal, para ejercer presión sobre el Gobierno para que promulgara una ley. Fue nombrado un Comité de Alto Nivel de Miembros del Parlamento, bajo la Presidencia de Dileepsingh Bhuria, el cual presentó su informe. Los líderes tribales se lanzaron a una huelga de hambre por tiempo indefinido en febrero de 1996 para exigir la ley, la cual obtuvo la aprobación presidencial el 24 de diciembre de 1996. Por primera vez, la comunidad orgánica tribal es reconocida y se le otorgan derechos para proteger su cultura, su identidad, los recursos comunes y las costumbres. La comunidad obtiene sus derechos a través de una democracia directa participatoria para monitorear los recursos para el desarrollo, aprobar los planes de desarrollo y los gastos de su implementación. La comunidad tiene la facultad de manejar sus organismos correspondientes a las aguas y los minerales menores. También está facultada para protegerse contra la explotación ya sea a través del mercado, la enajenación de tierras, el préstamo de dinero o la distribución de alcohol. La comunidad está también facultada para monitorear al personal del gobierno y otros funcionarios sociales dentro del precinto de la aldea. Por primera vez en la historia, la comunidad está facultada por la ley, y ésta asegura también que las autoridades supremas no refrenen el poder popular. La implementación de esta ley es el desafío que tienen por delante los pueblos indígenas en los años venideros.

El hambre acecha a los korku en Melghat

Un total de 3.821 niños *korku* menores de seis años murieron en los últimos cuatro años debido a la desnutrición y la inanición. Según las estadísticas del gobierno, la cantidad de niños del pueblo korku, que habita en los bosques de la región de Melghat en la India central, que murieron de inanición es de 926 en 1993, 894 en 1994, 926 en 1995 y 1.075 en 1995. Además, estas cifras, que según informes son subestimadas, no incluyen a niños mayores, madres embarazadas y hombres adultos. Si no se toman medidas inmediatamente, se espera que habrá más muertes en el próximo monzón.

La mayoría de las muertes ocurrieron en un grupo de 22 aldeas ubicadas dentro de la Reserva de Tigres de Melghat, en el estado de Maharashtra, habitadas por unas 21.000 familias korku.

La causa de fondo del problema, según los habitantes locales, son las restricciones y la negativa de acceso a las fuentes tradicionales de subsistencia de los bosques. Los korku fueron establecidos en el área en 1857 por los británicos como mano de obra cautiva para las actividades extractivas madereras. Se les dio algo de tierra, pero no tenían ningún estatus legal, ni como terratenientes ni como residentes del área. En 1973, el área fue declarada una reserva de tigres y las 22 aldeas recibieron la orden de abandonar sus hogares y desde entonces han sido tratados como no-existentes en lo que concierne a los derechos a los bosques y el acceso al agua potable y otros servicios del gobierno. Así, los korku se enfrentaron no sólo a la pérdida del acceso a sus tradicionales fuentes de subsistencia sino a la disponibilidad de los beneficios gubernamentales. La mayoría de ellos, que se afanaron durante años en la extracción maderera y los cultivos a pequeña escala, no tenían otros medios o habilidades para sobrevivir. Desde entonces ha habido una constante emigración desesperada y las 21.000 familias que todavía viven en el área están allí porque no están capacitados para sobrevivir fuera del bosque.

En respuesta a la presentación de una petición de interés público, la Suprema Corte del Estado de Maharashtra dio instrucciones al gobierno para que tomara medidas inmediatas para brindar ayuda y monitorear la situación en Melghat. Pero tales medidas, como el suministro de alimentos, facilidades médicas, etc., sólo brindarán un alivio inmediato, pero no encaran el tema básico que es el otorgamiento a los korku de sus derechos a sus bosques, para que puedan reconstituir sus vidas y medios de subsistencia. Melghat no es la única región que sufre de muertes por inanición. Los *adivasi* de las regiones Kalahandi-Bolangir de Orissa y Palamu, en el sur de Bihar, han informado de severas carencias de alimentos y muertes debido a la inanición durante los últimos tres años. El hecho de que no sólo se ha informado de muertes por inanición regularmente en Kalahandi y Melghat, sino que las cifras aumentan, muestran, a pesar de los muy publicitados proyectos del gobierno para aliviar la situación, que ésta es muy seria en estas áreas y que la respuesta del gobierno no tiene efecto porque las causas del hambre están en otra parte.

De acuerdo al Comité Central de Planificación del gobierno de la India, cerca de 41 distritos con importante población adivasi están propensos a muertes por inanición, las cuales no son normal-

mente informadas. En el caso de las muertes por inanición en Kalahandi-Bolongir, el gobierno de Orissa negó que hubieran sucedido y se niega a aceptar que hay que hacer algo drástico para prevenirlas. Incluso las operaciones de ayuda a ser implementadas en Melghat no encararán las causas básicas subyacentes a largo plazo.

Notas

1) Prabhu P. y Suresh V. *Transience and Transition in Tribal Societies*, ISISD, Madras, 1986.

2) La Fábula Kanseri de los adivasis es bastante clara con respecto al cambio en las relaciones entre hombres y mujeres después del establecimiento de la agricultura sedentaria en el área por los británicos, después de 1850. Ver Bulsara S. y Prabhu P., Warli "Fables and Tribal History", documento no publicado.

3) D. Symington, *Report on the Aboriginal and Hill Tribes of the partially excluded areas in the Bombay Presidency*, Central Government Press, Bombay, documento oficial, 1938.

4) Una ilustración gráfica de la combinación de estos cuatro factores y su resultado combinado de muertes por inanición y desnutrición de niños tribales, quienes constituyen el eslabón más débil en la cadena de la supervivencia, fue visto por primera vez en la región Vavar-Vangani de la *taluka* de Mokhada y luego en la región Chalni de la *taluka* de Dahanu, en el distrito de Thane, el más avanzado distrito del estado. Las muertes de niños en las *talukas* de Akalkya y Akrani del distrito de Dhule y en la región Melghat del distrito de Amravati, no hicieron más que confirmar lo mismo de una manera mucho más grotesca.

5) Los autores, que eran ambos funcionarios gubernamentales de jerarquía en el Departamento de Investigación Tribal, cuando prepararon notas cortas sobre cada grupo tribal del estado, tuvieron cuidado al final de las mismas de informar al lector que ciertas otras comunidades que tienen o han agregado un nombre comunitario común como prefijo o sufijo no están cultural o étnicamente relacionadas con dicha tribu. Esta referencia está específicamente hecha en el contexto de un gran número de personas no-tribales que desean obtener el estatus de Tribu Registrada. Ver Gare G. M. y Aphale M. B., *The Tribes in Maharshtra*, Instituto de Investigación Tribal, Gobierno de Maharashtra, Pune p. 37.

6) Ver *Gazetteer of Bombay Presidency Vol. XIII*, Thane (Gazetteer), Central Government Press, Bombay, 1982. Los registros más antiguos relativos al modelo de propiedad de la tierra entre los pueblos tribales, como los Registros preparados por los británicos, se refieren a la propiedad comunal de la tierra en las comunidades tribales.

7) Informe del Grupo de Estudio sobre sistemas de tenencia de la tierra en áreas tribales, Presidente B. K. Roy Burman, Gobierno de la India, documento oficial, Nueva Delhi, 1987. La anomia que sigue a la pérdida

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de tierras fue reflejada inmediatamente en la muy elevada incidencia de "suicidios" entre los indígenas desplazados por el Proyecto Lechero Dapcheri, en Thane. La explicación presentada por la mayoría de los indígenas sin excepción era "¿qué le pasa a un árbol cuando le cortan sus raíces? Muere. Lo mismo sucede a los más ancianos de la aldea. Ellos prefieren la muerte a la anomia debilitante". Este concepto ha sido investigado en alguna medida en Prabhu P. y Suresch V. *Transience and Transition in Tribal Societies*, ISISD, Madrás, 1986.

8) El proceso general indica que sólo en el 33% de los casos registrados de tenencia, los detentadores se convirtieron en propietarios de su tierra. En las Provincias Centrales el porcentaje era aun más bajo, 11.8%. Aunque estos porcentajes se refieren a la población detentadora de tierras en general, el porcentaje en el caso de los indígenas sería una fracción de estos porcentajes. *Land Reforms in Maharashtra, An Empirical Study*, ob. cit. p. 24. Ver también *Informe del Comité para examinar dificultades experimentadas por las Tribus Registradas detentadoras de tierras/agriculturas con respecto a sus tierras en el trabajo de ciertas leyes*, Presidente H. G. Vartak, Government Press, documento oficial, Bombay, 1972.

9) Por un amplio tratamiento del tema de la enajenación de la tierra tribal en Maharshtra, ver Prabhu P. D., "Land Alienation, Land Reforms and Tribals in Maharshtra", a ser publicado.

10) Esta es una observación muy importante que ha sido realizada por el Gobernador del estado. El hecho de que la alienación de la tierra exista no sólo es admitido, sino que por inferencia, el hecho de que la responsabilidad por la enajenación de la tierra puede ser ubicada en los hombros de la administración estatal. Mehra O. P., Gobernador de Maharashtra, en Prólogo a Gare G. M. y Aphale M. B., *The Tribes in Maharashtra*, op. cit.

11) *Comisionado para las Castas Registradas y Tribus Registradas, Informe XXVIII y XVIX*, Gobierno de la India, Nueva Delhi.

12) Kothari S., "Social Movements and the Redefinition of Democracy", por publicarse, elabora sobre esta área con algún detalle.

13) Prabhu P., "Redefining Political Space - Review of Fifteen Years", Kashtakari Sanghatna, documento sin publicar, investiga esta área en detalle.

14) Ganshyam Shah, *Grass Roots Mobilization, in India's Democracy*, ed. Atul Kohli, Princeton University Press, Princeton, ps. 262-304 y "Action Groups and Social Transformation in India", *Lokayan Bulletin, Vol. 6, No. 5*, Delhi, Lokayan, 1988, han examinado las movilizaciones populares por grupos partidarios y no-partidarios.

15) Dhanagre D. N., "Action Groups and Social Transformation in India", *Lokayan Bulletin, Vol. 6, No. 4*, Delhi: Lokayan, 1988. El Prof. D. N. Dhanagre ha llamado a este fenómeno, el más importante acontecimiento de la India desde los años 60.

Uttar Pradesh

Año de trascendencia para la Comunidad Indígena Van Gujjar

La comunidad indígena de los *van gujjar* vive en los bosques de baja altura de la cadena montañosa de Siwalik durante los meses de invierno y en las pasturas de las cumbres del Himalaya durante los veranos. Su trashumancia está obligada por el hecho de ser pastores criadores de búfalos y ése ha sido su medio de subsistencia durante cientos de años. En los bosques, estos búfalos se alimentan con el forraje constituido por hojas de ramas cortadas y en las pasturas de las tierras altas se alimentan con el abundante y suculento pasto.

Su estilo de vida indígena, y lo que es peor, su misma existencia fueron seriamente amenazados cuando el gobierno del estado de Uttar Pradesh declaró sus intenciones de convertir 820 kilómetros cuadrados de los bosques que han sido su territorio, en un Parque Nacional. Esta conversión tendría que realizarse necesariamente según las previsiones de la Ley de la Fauna del país, la cual no permite ninguna presencia humana en ese tipo de parque. En su apuro por lograr que los van gujjar abandonaran estos bosques, el departamento forestal ignoró alegremente el hecho de que la India es signataria de la Declaración de Río sobre Medio Ambiente y Desarrollo, según la cual los estados deben reconocer y apoyar en forma adecuada la identidad, la cultura y los intereses indígenas y deben posibilitar su efectiva participación en el logro de un desarrollo sustentable.

Plan Comunitario de Manejo Forestal

La organización "Rural Litigation and Entitlement Kendra (RLEK)" intervino en su nombre y en un ejercicio sumamente participatorio entre la misma y la comunidad, se elaboró el primer Plan Comunitario de Manejo Forestal para Áreas Protegidas (CFMPA) de la India, según el cual los van gujjar exigen que el manejo del propuesto Parque Nacional Rajaji sea entregado a ellos para convertirlo en el primer Parque del Pueblo. Esta propuesta del plan fue discutida, analizada, modificada y aprobada por un panel compuesto por cuarenta y dos expertos en las áreas de la forestería, el medio ambiente, las ciencias sociales, la antropología, el derecho, el activismo social, etc. Lo más importante es que las autoridades de las aldeas periféricas y los líderes van gujjar interactuaron junto con estos expertos durante este seminario de tres días. El Sr. P. N. Bhagwati, ex Ministro de Justicia de la India y actual Vicepresidente de la Comisión de Derechos Humanos de las Naciones Unidas,

Guardias forestales van gujjar usan ahora la comunicación inalámbrica para la efectiva protección de sus bosques (Uttar Pradesh, India). (Foto: RLEK)

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escribió el prefacio del plan, el cual recibió una amplia cobertura por los medios de prensa escritos. Este hecho fue mencionado en el Rajya Sabha (la cámara alta del Parlamento) y ha quedado registrado que el Gobierno aseguró a la Cámara que estaba en el proceso de cambio de las Leyes Forestal y de la Fauna para otorgar a las comunidades que habitan el bosque mayor influencia sobre el manejo y la protección de los bosques.

Los objetivos de la CFMPA son, proteger el ecosistema de las montañas Siwalik, conservar la biodiversidad y proteger y ayudar a las especies amenazadas; proteger y apoyar los derechos tradicionales de los van gujjar de tal manera que puedan vivir permanentemente en el área protegida de una forma ambiental y económicamente sustentable; proteger y apoyar los derechos tradicionales de los aldeanos que viven en las áreas limítrofes al uso de recursos forestales menores dentro del área protegida de una forma ambientalmente sustentable; incrementar el conocimiento básico documentado sobre el ecosistema de Siwalik mediante una cooperación entre los pueblos locales y científicos e investigadores externos; y asegurar y promover un turismo y educación ecológica y culturalmente responsables bajo la supervisión de la estructura comunitaria de manejo forestal.

Capacitación de los forestales van gujjar

Es un hecho reconocido incluso por el departamento forestal que el conocimiento de los van gujjar sobre la silvicultura es incluso mejor que el de ellos. Sin embargo, lo que les falta es capacitación en el campo de la administración y la gestión. Para este efecto, RLEK formuló un módulo de capacitación para ellos que incluirá estos tópicos, "¿por qué la conservación?", "sistema de apoyo a la vida y la seguridad ambiental", "fundamentos de política y derecho", "necesidad de un cambio", "manejo forestal comunitario en áreas protegidas", "la guardia forestal de los van gujjar", "actividad de microplaneamiento", "comunicación inalámbrica" y "constitución de equipos".

Cientocincuenta guardias forestales van gujjar están siendo capacitados para un área piloto inicial dentro y fuera de los límites del parque propuesto. Estos guardias forestales están recibiendo capacitación en una amplia gama de actividades, como modelos de patrullaje, procedimiento de información, por parte de los guardias y miembros comunitarios, de actividades ilícitas y violaciones, pro-

tección forestal durante los veranos o, lo más importante, comunicación inalámbrica.

La comunicación ha sido siempre un gran problema en el manejo de áreas forestales y por lo tanto las calamidades naturales como inundaciones, incendios forestales, epidemias, etc., no son informadas a tiempo para que puedan tomarse medidas efectivas. En forma similar, la información sobre emergencias sanitarias, contrabando de madera, caza furtiva, etc., tampoco es trasmitida. A este efecto, RLEK solicitó y obtuvo dos frecuencias de radio comercial (puntos 167,525 y 167,725 MHz) al Ministerio de Telecomunicaciones del Gobierno de la India. Cada guardia forestal van gujjar recibe, por lo tanto, capacitación en comunicación inalámbrica y un equipo de radio.

Para la comunidad indígena van gujjar que hasta hace poco enfrentaba serias amenazas de expulsión de sus bosques, el año 1996-97 ha sido sin duda un año trascendental.

La Comunidad Indígena Kolta de Jaunsaris

La comunidad indígena de los *koltas* está constituida por los habitantes originarios de la región montañosa de Jaunsar Bhabar en el norte de Uttar Pradesh. Es un pueblo amante de la paz que fue fácilmente sojuzgado por los terratenientes de las llanuras, posteriormente llegados. Su explotación fue tal que 19.000 de ellos fueron forzados a la servidumbre, la cual en muchos casos fue heredada por las esposas y los hijos de estos trabajadores sometidos al trabajo forzado. En un momento en que la Ley de Abolición del Trabajo Forzado de 1976 no había sido aún promulgada, RLEK había intercedido en su nombre y había movilizado a la justicia para poner un fin a su esclavitud. El gobierno de Uttar Pradesh fue confiado con la tarea de rehabilitarlos y otorgarles sus derechos y capacidades.

No obstante, sus agencias demostraron una completa falta de voluntad y compromiso y esta comunidad indígena permaneció desahuciada. El hecho de que en vez de otorgárseles el estatus de Tribu Registrada fueron condenados a ser una Casta Registrada no hizo más que agravar su miseria y aplastar lo poco de autoestima que todavía podía restarles.

De la esclavitud a la autogestión

Con el advenimiento de la Enmienda Constitucional 73 correspondiente a *panchayat raj* (autogestión local) y la reserva consiguiente

de un mínimo de 33,33% de escaños para mujeres y escaños proporcionales para las Tribus/Castas Registradas y *dalit*, aumentaron sus esperanzas de transformarse en controladores de su propio destino. Sin embargo, por una razón o por otra, las elecciones a los panchayat fueron continuamente diferidas por el gobierno de Uttar Pradesh. Este fue también el caso de otros estados como Himachal Pradesh, Tamil Nadu, Orissa y Bihar.

Estos estados tienen una numerosa población tribal e indígena. RLEK llevó este asunto a la Suprema Corte de la India bajo la forma de un petición escrita de interés público fundamentada en que la continuación de los viejos panchayat más allá de su plazo estipulado de cinco años, violaba la constitución y además privaba a las mujeres, a las Castas/Tribus Registradas y dalit, para quienes se habían reservado escaños, de su sitio legal en la gestión.

Tal fue la resistencia de los gobiernos de los estados a permitir la devolución del poder a las bases que en el caso de Orissa la misma asamblea legislativa adoptó una decisión unánime de no celebrar elecciones. En Bihar, las elecciones fueron celebradas por última vez hace 18 años y el viejo orden había convertido a sus panchayat en sus feudos personales. La Suprema Corte examinó la petición y emitió órdenes de celebrar elecciones inmediatamente. Todos los estados han celebrado elecciones a los panchayat desde ese entonces y Bihar ha ordenado recientemente disolver a los viejos panchayat y celebrar nuevas elecciones.

Esto ha permitido a una cantidad de mujeres y hombres *jaunsaris* asumir sus lugares en la gestión de sus panchayat. En los dos bloques Jaunsar de Chakrata y Kalsi, dos mujeres jaunsaris se han convertido en presidente de bloque y un gran número de ellas se han convertido en *"phadhans"* de la aldea. RLEK brinda a estas personas electas capacitación en el funcionamiento de los panchayat raj y sobre su autoridad, deberes y responsabilidades en los mismos. Un elevado número de programas de desarrollo económico y justicia social han sido transferidos a los panchayat bajo la nueva Ley. Por lo tanto, sería finalmente después de cientos de años que la comunidad de jaunsaris se convertiría en dueña de su propio destino.

El Gobierno de la India ha aprobado recientemente las "Ley de Provisiones de los Panchayat (Extensión a las Áreas Registradas), de 1996". Estas áreas registradas tienen casi un cien por ciento de población de pueblos indígenas y tribales. El 100% de escaños para

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los presidentes en estos territorios han sido reservados para las Tribus Registradas en todos los niveles del sistema de tres grados de panchayat.

CHITTAGONG HILL TRACTS

La situación en Chittagong Hill Tracts, en el sureste de Bangladesh, sigue siendo inestable. Las conversaciones de paz entre Parbatya Chattagram Jan Samhati Samiti (Partido Unido del Pueblo de CHT) y el gobierno han sido retomadas; no obstante, la situación referente a la ley y el orden en Chittagong Hill Tracts (CHT) no se ha estabilizado y siguen filtrándose informes sobre violaciones de derechos humanos.

CHT está cerrado para los extranjeros, incluyendo a los diplomáticos estacionados en Bangladesh, a menos que sea con un permiso escrito de la División de Asuntos Especiales del Gabinete del Primer Ministro, indicando de esta manera la sensibilidad de los temas indígenas en Bangladesh. El área sigue bajo control militar con una notable ausencia de derechos fundamentales, incluyendo la libertad de expresión y de asociación.

Negociaciones

Continúa la actual ronda de negociaciones entre el Gobierno y Jana Samhati Samiti (JSS) que habían comenzado en 1992 bajo el anterior gobierno de Begum Khaleda Zia. Se han celebrado tres vueltas de conversaciones entre JSS y el Comité Nacional sobre Chittagong Hill Tracts, representando al gobierno, en diciembre de 1996, enero de 1997 y marzo de 1997. El lugar de las últimas dos reuniones fue cambiado de CHT a Dhaka y los analistas consideran ésto como un indicio de la creciente atención prestada al proceso de paz y la necesidad de ubicarlo dentro de la consciencia nacional de la política establecida. Además, un arreglo negociado del tema de CHT fue parte de la campaña electoral de Awami League, tal como lo reafirmó el Primer Ministro tan pronto como su partido accedió al poder.

Aunque se informa que la última reunión de marzo finalizó con una nota amigable, cinco años después que comenzó esta ronda de conversaciones (1992-1997) todavía no se ha llegado a un acuerdo. El JSS ha modificado sus exigencias anteriores y encara el siguiente marco de trabajo como "el único remedio para obtener un CHT

sereno, pacífico y estable, dónde el pueblo *jumma* esté asegurado contra todo tipo de agresiones"[7]:

(i) autonomía regional para CHT mediante un organismo regional electo (Consejo Regional);
(ii) reconocimiento constitucional de la identidad étnica de los pueblos indígenas de las montañas;
(iii) restitución y reconocimiento de los derechos territoriales de los jumma en la región de CHT y una prohibición de asentamiento por parte de elementos externos;
(iv) retirada de todas las fuerzas armadas de CHT; y
(v) retirada de los colonos de las llanuras a áreas fuera de CHT.

Aunque se informa que existe un cierto grado de acuerdo en algunos temas tales como el establecimiento de un consejo regional, un ministerio separado para asuntos de CHT y el establecimiento de una comisión sobre derechos territoriales, se requiere más discusión para acordar las especificidades de los temas importantes. Se informa que el obstáculo más importante es el enfoque contradictorio del Gobierno sobre la cuestión de la transferencia del poder: por un lado, no se opone a transferir cierto grado de autoridad a los indígenas; por otro lado, no desea renunciar a su control y trata de retener la autoridad definitiva en manos de administradores no-indígenas y otros funcionarios. Por ejemplo, dentro del contexto de una propuesta comisión de tierras para dirimir conflictos de tierra, el Gobierno propone que sea supervisada por un juez retirado mientras que, siendo la tierra un tema central de las luchas indígenas tanto aquí como en cualquier otro lugar, el JSS considera que es absolutamente esencial que cualquier comisión de derechos territoriales propuesta tenga participación indígena tal como la de sus líderes tradicionales (en particular los Chakma y Bohmong Rajas) y representantes electos, p. ej., los Consejos de Gobierno Local del Distrito y el Consejo Regional.

Las dos cuestiones más problemáticas son:

1) la desmilitarización; y
2) la retirada de los colonos:

1) La desmilitarización

Para ubicar el tema en su contexto apropiado es importante notar que de acuerdo a fuentes militares, el número total de fuerzas de seguridad en CHT es de 50.000 a 52.000 efectivos, de los cuales

aproximadamente 19.000 o 20.000 son personal militar. La actual población indígena montañesa en CHT es de 558.187 personas según el censo de 1991; por lo tanto, por cada 11 personas indígenas hay un miembro de las fuerzas de seguridad.

El Gobierno no desea retirar las "instalaciones permanentes", las cuales incluyen los tres acantonamientos de Dighinala, Ruma y Alikadam y los Cuarteles Generales de Brigada de los Cuarteles Generales de los tres Distritos.

Como esto sería equivalente a continuar con el estado de sitio militar al cual está sometido CHT actualmente, el JSS ha exigido que todos los acantonamientos sean retirados de CHT, y que la cantidad de fuerzas armadas en el área sea substancialmente reducida.

El tema sigue sin resolverse.

2) Retirada de los colonos

Esto ha surgido como el tema más polémico de las actuales conversaciones de paz. Entre 1979 y 1984, aproximadamente 500.000 colonos fueron traídos a CHT por un programa de transferencia de población patrocinado por el gobierno. Esta política fue implementada en secreto sin consultar o informar a los indígenas. Además, a los colonos de las llanuras se les adjudicó ilegalmente tierras indígenas, con la ayuda del uso de la fuerza y frecuentemente con la cooperación de las fuerzas de seguridad, y los pueblos indígenas fueron despojados de sus tierras y granjas de una forma arbitraria, con total desprecio del debido procedimiento legal. Muchos están internamente desplazados dentro de CHT, mientras que más de 50.000 buscaron refugio en países vecinos, particularmente en la India. Esta política de transferencia de población -con el objetivo, por un lado, de apropiarse de las tierras de los montañeses, y más insidiosamente, para alterar la composición etnográfica de CHT y convertir a los pueblos indígenas en una minoría en su propia tierra- ha sido la principal causa de la violencia en CHT.

En reconocimiento de este hecho, el Parlamento Europeo enmendó su asistencia económica a Bangladesh de 1997, incluyendo una previsión específica para "...la repatriación de los colonos bengalíes de Chittagong Hill Tracts (CHT) de vuelta a las llanuras". (Línea Presupuestaria BT-3010: Cooperación Europea con Países Asiáticos en Desarrollo). El Parlamento Europeo hizo énfasis que creía que esto era necesario pues "...una de las principales violaciones de derechos humanos relativas a la gente de Chittagong Hill

Tracts (CHT) es la transferencia de población (de colonos bengalíes provenientes de las llanuras a Hill Tracts), la cual es la principal causa de conflicto en la región". El Gobierno de Bangladesh alega que está dispuesto a repatriar a los colonos bengalíes si se proveen fondos.

No obstante, ha habido oposición a las conversaciones de paz por parte de algunos sectores de los partidos políticos de oposición que consideran las negociaciones como una amenaza contra la independencia y la soberanía nacional. Han habido manifestaciones contra las conversaciones de paz en CHT, y durante una conferencia nacional sobre CHT en Dhaka el 25 de abril de 1997, los participantes expresaron su resistencia a cualquier medida dirigida a mover a los colonos de las llanuras (bengalíes) o al ejército de CHT. La reunión fue convocada por el Sr. Ferdous Ahmed Quereshi, un líder central del principal partido de oposición, el Partido Nacionalista de Bangladesh (BNP), y asistieron a la misma miembros de diferentes partidos políticos, incluyendo al BNP, el Jamaat-e-Islami, el Khelafat Majlich y el Partido Jatiyo Ganotantrik.[5]

En respuesta, 36 prominentes políticos e intelectuales emitieron un comunicado de prensa expresando su apoyo a las actuales negociaciones de paz entre el Gobierno y el JSS. Hicieron un llamado en favor de un arreglo político pacífico y negociado de los problemas de CHT y advirtieron que intereses creados estaban tratando de desviar las conversaciones. Haciendo notar que los dos temas fundamentales eran los derechos territoriales y los colonos patrocinados por el gobierno, los signatarios urgieron a los partidos a realizar la reubicación de los colonos en áreas fuera de CHT de una forma apropiada.[6]

Violaciones de derechos humanos

Se continúan documentando en la ONU y otros foros internacionales, informes sobre violaciones de derechos humanos que incluyen la tortura y la violación. Los principales perpetradores son casi siempre las fuerzas de seguridad tal como lo hizo notar el Informante Especial de la ONU sobre tortura y otros tratamientos o castigos inhumanos o degradantes: "El continuo flujo de información sobre abusos cometidos por el ejército en Chittagong Hill Tracts sugiere que el Gobierno debería establecer medios efectivos e independientes para monitorear los métodos de contrainsurgencia del ejército en esa área."[7]

Violencia contra la mujer

Existen numerosos informes sobre violaciones y raptos de mujeres indígenas, incluyendo a jóvenes.[8] El 17 de marzo de 1997, una niña de 14 años (Tungyapudi Chakma) fue violada por un colono en Pujgang, en el Distrito de Khagrachari, y éste es uno de los muchos casos.[9] En otro caso bien conocido, la Sra. Kalpana Chakma, Secretaria Organizativa de la Federación de Mujeres Montañesas, fue raptada el 12 de junio de 1996. Amnistía Internacional informa que "se informa que seis o siete miembros del personal de seguridad en ropas de civil, supuestamente del campamento del ejército de Ugalchhari, entraron a la casa de Kalpana Chakma en la aldea de New Lallyaghona, en el Distrito de Rangamati, a horas tempranas del 12 de junio. Kalpana Chakma y sus dos hermanos fueron sacados de la casa por la fuerza, maniatados y con una venda sobre los ojos. A cierta distancia de la casa, los hermanos lograron escapar a pesar de que el personal de seguridad les disparó."[10] Se alega que un oficial del ejército, el Tte. Ferdous de la 24 División de Infantería estuvo involucrado en su rapto.

Se cree que el rapto de Kalpana Chakma está vinculado a su campaña durante las elecciones parlamentarias que tuvieron lugar en Bangladesh el 12 de junio. Hasta la fecha no hay novedades de su paradero aunque su familia presentó una denuncia a la policía (caso policial no. 12/6/96 No.2), y se realizaron una serie de manifestaciones y otras exigencias públicas en favor de su liberación, entre ellas una el 27 de junio de 1996 durante la cual un estudiante de 16 años, llamado Rupon Chakma, fue muerto a tiros, aparentemente por un colono bengalí que usaba un arma de la policía.

El 25 de julio fue organizada otra manifestación, esta vez en Dhaka, por el Comité Nacional de Protección de los Derechos Humanos, el Consejo de Estudiantes de CHT y la Federación de Mujeres Montañesas. En respuesta, el Gobierno creó una comisión investigadora de tres miembros que presentó sus resultados al Ministerio del Interior el 27 de febrero de 1997 (según informa Sangbad, un periódico de Dhaka, 6 de marzo de 1997). Sin embargo, el informe no ha sido hecho público y su contenido sigue sin conocerse.

En su informe a la Comisión de Derechos Humanos, el Informante Especial de la ONU sobre la violencia contra las mujeres, sus causas y consecuencias, la Sra. Radhika Coomaraswamy declaró que ella había manifestado su preocupación al Gobierno de Bang-

ladesh sobre el caso de Kalpana Chakma y declaró que existían muchas discrepancias entre lo que fue originalmente informado a la policía y el informe policial actualmente presentado. Ella requirió que el Gobierno "brinde aclaraciones sobre el caso ... que podría potencialmente implicar violaciones al derecho a la libertad y seguridad de la persona y al debido proceso legal, de acuerdo a los artículos 4 y 9(1) del Convenio Internacional sobre los Derechos Civiles y Políticos, así como también el artículo 1 de la Declaración de la ONU sobre la Eliminación de la Violencia contra las Mujeres."[11]

Las próximas rondas de conversaciones que estaban previamente programadas para el 30 de abril han sido pospuestas para el 11 de mayo. Hay un cese el fuego vigente que ha sido extendido hasta el 30 de junio de 1997.

Derechos territoriales

Ha habido un continuo proceso de despojo de los pueblos indígenas jumma durante siglos bajo sucesivas administraciones. Un estudio reciente[12] detalla este tema, incluyendo un sumario de casos de estudio de personas que han sido ilegalmente despojadas de sus tierras. Además, el estudio identifica las medidas políticas más importantes que han sido instrumentadas para reducir drásticamente el área de tierra a las cuales los pueblos indígenas tienen derechos, tanto individuales como colectivos, de propiedad y acceso. La promulgación gubernamental de una orden de demarcar otra área de 150,000 acres como reserva forestal (mayo de 1992) sigue en pie. Cuando sea implementada, esto podría resultar en el desplazamiento de una gran cantidad de indígenas además del impacto negativo sobre su supervivencia económica, implicando severas consecuencias.

No obstante debería tenerse presente que mucha de esta gente había sido desarraigada antes por la construcción del proyecto hidroeléctrico de Kaptai, el cual desplazó más de 100,000 personas y otra vez durante el programa de asentamiento patrocinado por el gobierno cuando tierras indígenas fueron otorgadas a familias colonas de las llanuras. Además, como resultado de las estrategias de contrainsurgencia del ejército y la construcción de campamentos militares y otras instalaciones, los pueblos indígenas han sido privados aún más de su tierra y propiedades. Se informa que las fuerzas armadas siguen adquiriendo tierra para sus actividades operativas,

y que en algunos casos han tomado arrendamientos hasta el año 2000, socavando así las actuales conversaciones de paz.

Repatriación de los refugiados

Tal como se destacó previamente, más de 50.000 indígenas huyeron a través de la frontera hacia países fronterizos, principalmente la India, como resultado del violento conflicto que reina en CHT. Hubieron una serie de intentos de hacer retornar a los refugiados, ya que tanto el gobierno de Bangladesh como el de la India expresaron el punto de vista que esto socava la solidaridad y cooperación entre los dos países. En 1994, algunos refugiados jumma retornaron dentro del marco de un acuerdo de repatriación (5.186 personas). Cuando el Gobierno de Bangladesh dejó de cumplir las condiciones de su propio acuerdo de repatriación de 19 puntos, incluyendo la restitución de tierra y propiedad, la repatriación llegó a un punto muerto, ya que la mayoría de los refugiados restantes en los campamentos eran reacios a retornar sin un arreglo político negociado del problema de CHT.

Sin embargo, en el marco de un reciente acuerdo de 20 puntos logrado entre los refugiados y el gobierno, el cual incluye previsiones para la restitución de sus casas y tierras, así como ayuda para la rehabilitación, un primer grupo de refugiados jumma volvieron a Hill Tracts a fines de marzo de 1997 (aproximadamente 5.000). Se informa que un suministro constantemente decreciente en los campamentos de refugiados de necesidades básicas tal como raciones alimenticias y facilidades sanitarias influyeron sobre la decisión de los líderes de los refugiados a acordar continuar con el proceso de repatriación. No ha sido posible verificar si las condiciones del acuerdo de repatriación han sido satisfactoriamente cumplidas aunque se informa que algunas familias han obtenido la devolución de sus tierras. Se tiene la esperanza que la repatriación continúe ya que es un importante componente de la búsqueda por la paz en CHT.

En un acontecimiento relacionado, la firma del acuerdo de repatriación fue recibido con hostilidad por los principales partidos de oposición de Bangladesh, el BNP y el fundamentalista Jamaat-e-Islami, que consideraron al acuerdo como contrario a los intereses de los "colonos bengalíes". Una huelga de tres días fue convocada en los tres distritos montañeses de CHT para el 12 de marzo (durante la ronda de marzo de las conversaciones Gobierno-JSS) para protestar contra el acuerdo.

Conferencia Internacional sobre CHT

En Bangkok se celebró una reunión (23-26 de febrero de 1997) para revisar la situación de Chittagong Hill Tracts y explorar formas de hacer avanzar el proceso de paz. Asistieron parlamentarios como Lord Eric Avebury, Presidente del Grupo Parlamentario de Derechos Humanos del Reino Unido, así como también académicos, activistas, ONGs e indígenas jumma. Sin embargo, a los participantes de Bangladesh (tanto jumma como bengalíes) se les negó las visas, supuestamente por instigación del Gobierno de Bangladesh, y por lo tanto no pudieron asistir a la reunión.

La reunión adoptó una Declaración de Paz en CHT que convoca al reconocimiento constitucional de las distintivas identidades culturales y nacionales de los pueblos indígenas jumma, el traslado de los colonos, incluyendo medios de incentivos financieros y/o esquemas indemnizatorios, protección de los derechos territoriales consuetudinarios de los pueblos indígenas y un cronograma para la retirada del ejército. La conferencia recomendó que fuera invitado un facilitador para ayudar a las partes a resolver sus diferencias y que se estableciera una comisión conjunta para investigar, diseñar e implementar un programa de rehabilitación para los colonos de las llanuras, fuera de Hill Tracts.

Notas

1) De *Un Informe sobre Chittagong Hill Tracts, Bangladesh y su Pueblo*, publicado por el Grupo de la Campaña por la Paz, Nueva Delhi, abril de 1994.

2) Militarización y Violaciones de Derechos Humanos en Chittagong Hill Tracts, trabajo presentado por Amena Mohsin en la Conferencia Internacional de Paz sobre CHT, 23-26 de febrero de 1997 en Bangkok, Tailandia.

3) De un informe: Conversaciones de Paz entre el Gobierno de la Liga Awami de Sheikh Hasina y el Jana Samhati Samiti (JSS), Foro de Protección de la Humanidad, marzo de 1997.

4) Enmienda No. 0873. Ver también *EAIP Newsletter*, Alianza Europea con los Pueblos Indígenas, vol. 3, diciembre de 1996 en p. 3.

5) *The Bangladesh Observer*, Dhaka, 26 de abril de 1997.

6) Extractos de *Bhorer Kagaj* (Noticias Matinales), Dhaka, 1 de mayo de 1997. Entre los signatarios se incluyen el poeta Shamsur Rahman, Prof. Kabir Chowdhury, poeta Faiz Ahmed, Hasanul Inu (Secretario General,

Jatiyo Samajtantrik Dal), Manzurul Ahsan Khan (líder sindical), Saifuddin Ahmed Manik (dirigente político), etc.

7) Informe del Informante Especial, Sr. Nigel S. Rodley, presentado a continuación de la resolución de la Comisión de Derechos Humanos 1995/37 B (Documento ONU No. E/CN.4/1997/7).

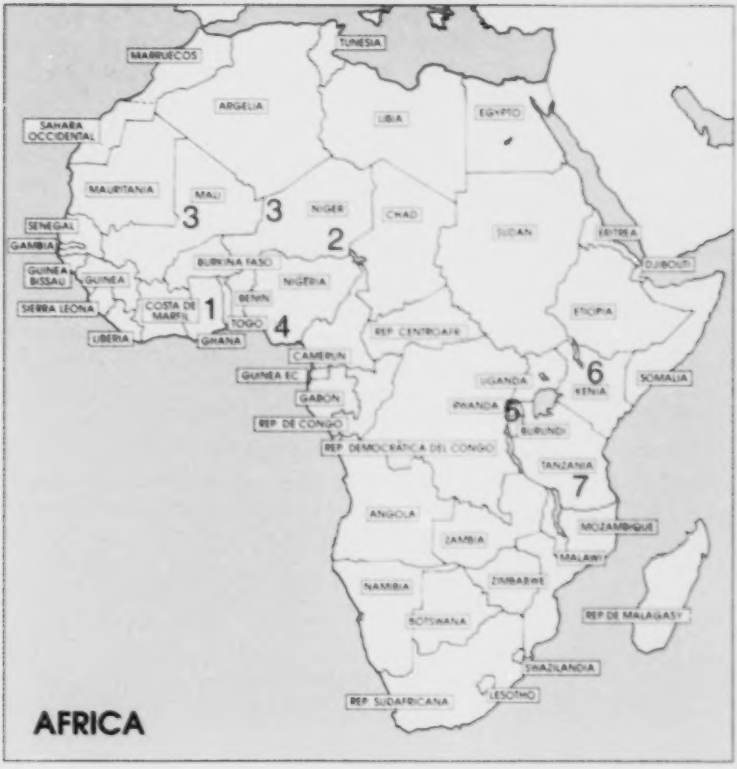
8) En el Foro de las ONGs la Federación de Mujeres Montañesas informaron que más del 94% de los casos de violación de mujeres jumma en CHT entre 1991 y 1993 fueron realizados por fuerzas de seguridad, y que más del 40% de las víctimas eran jóvenes, es decir, menores de 18 años de edad (Conferencia Mundial sobre la Mujer de la ONU, Pequín, 1995).

9) El Informante Especial sobre la tortura y otros tratamientos o castigos crueles, inhumanos o degradantes brindó detalles de tres de tales casos al Gobierno en una carta fechada el 22 de julio de 1996: Kajoli Chakma y Sumiti Chakma (16 años); Jitendra Chakma y Nepali Chakma (ver Documento ONU No. E/CN.4/1997/7/Add.1 por más detalles).

10) (Acción Urgente, UA 162/96 del 1 de julio de 1996).

11) Documento ONU E/CN.4/1997/47/Add.4.

12) Rajkumari Chandra K. Roy 1996: *Land Rights of the Indigenous Peoples of the Chittagong Hill Tracts*, Bangladesh, distribuido por la Red de Trabajo del Pueblo Jumma en Europa, Londres.



1. Kokomba

2. Wodaabe

3. Tuareg

4. Ogoni

5. Twa

6. Maasai

7. Maasai, Barabaig, Hadza

8. Basarwa (Khwe/!Xa /Jy'hoansi)

AFRICA

MALI

Una quema de armas por la paz en Timbuctú permite un optimismo condicional en el norte de Mali

El 27 de marzo de 1996, más de 3.000 armas fueron quemadas en un inmenso Fuego por la Paz en Timbuctú, la legendaria ciudad del desierto, en el norte de Mali. Las armas habían pertenecido a rebeldes de diferentes movimientos involucrados en lo que se tornó conocido como La Rebelión Tuareg. Las armas habían sido entregadas por los rebeldes durante los meses previos. El desarmamiento fue parte de un acuerdo de desmovilización entre los movimientos y las autoridades malíes.

Durante la celebración de quema de armas, uno de los líderes *tuareg* habló en nombre de todos los movimientos rebeldes, tanto nómadas como sedentarios, tanto tuareg como *moor* y *songhai*, tanto de piel clara como oscura. Declaró que todos habían acordado disolver sus movimientos ese mismo día.

El desarrollo de la rebelión tuareg

La rebelión tuareg estalló en 1990, cuando Mali todavía estaba gobernado por el dictador militar General Moussa Traor. Durante los primeros años de rebelión, los rebeldes tuareg atacaron principalmente instalaciones militares y administrativas en el norte de Mali.

Se consideraba que éstas representaban los intereses de las autoridades centrales malíes, que son del sur de Mali. Los tuareg no eran los únicos que se rebelaban contra el régimen opresor. Moussa fue derrocado por un golpe de estado el 26 de marzo de 1991, después de un período de disturbios generalizados, durante el cual el ejército mató a muchos estudiantes. El 11 de abril de 1992, los movimientos rebeldes tuareg y moor firmaron un tratado de paz con el gobierno de transición. Las primeras elecciones libres de la historia de Mali fueron celebradas ese mismo año, y el historiador Alpha Oumar Konar asumió la presidencia. A causa de la rebelión,

no se realizaron elecciones adecuadas en el norte. Pero Alpha acordó oficialmente respetar el tratado de paz de abril de 1992, y reinó un optimismo general.

Pero la rebelión no había acabado. En cualquier esfuerzo de transición a la democracia hay opositores, en todos los procesos de paz hay perdedores. En el norte, el ejército malí masacró civiles. Los rebeldes aumentaron sus ataques, esta vez teniendo como objetivos también a poblados.

En mayo de 1994, se estableció oficialmente un movimiento para organizar a los pueblos sedentarios del norte, con fuertes lazos con el ejército. Uno de sus objetivos era limpiar el norte de nómadas. En la medida que 1994 progresaba aumentó la fuerza de un círculo vicioso de violencia interétnica. Llegó un momento en que todos fueron involucrados en la rebelión, de un lado o del otro, dependiendo de sus orígenes étnicos. Se ha estimado que gran parte de la población tuareg y moor de Mali, de unas 400 o 500.000 personas, abandonó el país. ACNUR, el Alto Comisariado de las Naciones Unidas para los Refugiados, estableció campamentos de refugiados en los países vecinos; Argelia, Mauritania y Burkina-Faso.

Los pueblos del norte construyen su propio proceso de paz

Es posible que los gérmenes de una solución, no sólo la violencia creciente, puedan ser remontados a las relaciones étnicas. Las poblaciones sedentarias y nómadas han vivido juntas en el norte de Mali durante siglos. Sus historias están entrelazadas. Por un lado han habido guerras, competencia, dominación y represión. Por otro lado ha existido una coexistencia y relaciones complementarias. Los nómadas han dominado a los agricultores, y han sido gobernados por sus gobernantes. Se han desarrollado complejas relaciones de intercambios de trabajo, cereales y productos animales entre los grupos. Los mercados eran lugares de encuentro donde los productos de cada tipo de estilo de vida eran intercambiados, para ventaja de todas las partes.

La coexistencia también ha creado lazos que obscurecen la pura división de la población en grupos étnicos. De los muchos tuareg de origen esclavo, muchos son agricultores, y muchos son negros. Sus vínculos con otros aldeanos son fuertes. Sin embargo, comparten su lengua y muchas de sus costumbres y valores con otros tuareg. La educación y las situaciones laborales crean nuevos contactos que exceden las afiliaciones étnicas.

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Se realizan matrimonios a través de las fronteras étnicas. Durante 1995, los devastadores efectos de la inseguridad social y la violencia hicieron que las poblaciones del norte comprendieran que la guerra no beneficiaba a nadie. El sentimiento de que "estamos destinados a vivir juntos" comenzó a crecer. Fue nutrido por unos pocos valientes, que arriesgaron sus vidas para restablecer vínculos interétnicos que habían sido rotos por la rebelión. El incentivo de retomar la comunicación y renovar los intercambios materiales a través de reuniones intercomunitarias y la reapertura de los mercados provino de los mismos norteños.

El proceso de paz obtuvo un cierto apoyo financiero de diferentes países cooperadores, y la quema de armas de Timbuctú fue posible gracias a la intervención de la ONU. Pero lo importante para la posible sustentabilidad del proceso de paz es que primaria y fundamentalmente es construido por habitantes locales -del norte de Mali- que quieren la paz.

Los primeros pasos importantes hacia una paz duradera han sido tomados. Pero hay por delante muchos desafíos. El norte de Mali ha vivido una guerra durante los primeros cinco años del gobierno de Alpha Oumar Konar. 1997 es año electoral otra vez. Durante el primer período democrático, Mali a pasado por un período de rápida descentralización. Los límites de nuevas unidades administrativas locales han sido trazados. Esto ha sido realizado mientras que una importante proporción de la población del norte vivía en campamentos de refugiados fuera del país, sin la posibilidad de influir sobre estas decisiones. La segunda vuelta electoral de Mali será probablemente realizada mientras que una proporción de su población todavía no ha retornado.

ACNUR ha decidido clausurar todos los campamentos de refugiados antes de fines de 1997. Muchos todavía vacilan en retornar, desconfiando de su gobierno y de sus antiguos vecinos. La cuestión de la compensación por las pérdidas infligidas durante la rebelión es, como en todas partes, muy complicada, y puede fácilmente desestabilizar el proceso de paz. La desmovilización de 3.000 rebeldes y su reintegración al ejército malí y las fuerzas paramilitares parece exitosa. El programa para los 12.000 rebeldes que están enrolados en diferentes programas de reinserción en las actividades sociales y económicas se ha enfrentado con problemas. No existe mucho dónde reinsertar a los rebeldes.

Algunos ex-rebeldes han comenzado a robar vehículos otra vez, vendiéndolos en Mauritania. Tales robos impiden a las ONGs y otros reiniciar sus actividades en el norte. Ellos desmoralizan a aquellos que han aceptado las pérdidas para lograr la paz. Por otro lado, las comunidades y los grupos de parentesco se han organizado para impedir que sus miembros participen en acciones clandestinas, aumentando así el sentimiento de responsabilidad conjunta para el proceso de paz. La situación es difícil, pero no descorazonadora.

NÍGER

Nómadas marginados del Sahel: los wodaabe

Los *wodaabe* son un pueblo indígena que todavía subsiste en base al pastoreo extensivo, migrando muy lejos todos los años en busca de pasturas y agua para sus animales. Habitan el abierto paisaje semidesértico de la zona del Sahel en Africa occidental y en la zona de sabana septentrional. Hay unos 125.000 wodaabe en total, la mayoría de los cuales viven en la República de Níger (65.000 personas), y algunos viven en el norte de Nigeria (especialmente en el estado de Borno), y en la parte suroccidental de la República del Chad. Algunos wodaabe viven en el norte de Camerún y en la República Centroafricana. Unas pocas familias extendidas wodaabe migran hasta Burkina Faso e incluso hasta el norte de Ghana de vez en cuando, en busca de pasturas.

"Wodaabe" significa "el pueblo de los tabúes", y son más tradicionales que otros *fulani*. Los wodaabe respetan muchos tabúes en su cultura. Eso es lo que los distingue del resto de los fulani, que habitan 16 países de Africa, y con quienes comparten la lengua, *fulfulde*.

La situación de los wodaabe de Africa occidental es de alguna manera similar a la situación de los *maasai* del Africa oriental. Tanto los maasai como los wodaabe son pastores y tienen una cultura muy diferente a la de los agricultores sedentarios de los mismos países.

Los wodaabe continúan sus migraciones todos los años en dirección norte-sur. En la estación de lluvias migran al norte dentro de la República de Níger, y en partes de la estación seca se ven forzados a cruzar la frontera nacional para introducirse en el norte de Nigeria o Camerún u otros países al sur del Sahel en busca de pasturas, simplemente para sobrevivir. En años de sequías se ven

Un campamento woodabe en el "bush" de Níger. (Foto: Mette Bovin)

forzados a migrar aún más lejos que en los años mejores para salvar a sus animales (cf. Bovin 1990). Han sufrido severamente, en forma repetida, de sequías, hambre y muertes, especialmente entre 1969 y 1984. Las sequías pueden haberles forzado a vender animales; pero no han cambiado su cultura y estilo de vida.

Los wodaabe son presionados por los cuatro costados

Hoy en día, los pastores wodaabe están marginados: son presionados por el norte, el sur, el este y el oeste. Enfrentan un futuro difícil. En el norte está la amenaza de desertificación del Sahel. Por el sur se acerca la "colonización agrícola" de los agricultores *hausa* y *kanuri* en el sur de Níger y el norte de Nigeria. En el oeste están los *tuareg*, y en el este está la constante amenaza de los nómadas *tubu*. Los rebeldes tubu de la República del Chad (antiguas tissène HabrCASCASTELLANOdianos) deambulan por el monte de la parte oriental delaRepública de Níger donde viven los wodaabe. Hay tubu en el norte de Nigeria (estado de Borno) y en el lago Chad. Es extremadamente difícil distinguir entre los rebeldes tubu y los bandidos tubu, quienes se aprovechan de la inestable situación e incluso asesinan para robar y comer. Todo esto está causando la muerte de muchos wodaabe y de sus animales. Pero como ésto es

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sólo una "guerra tribal menor" los medios de difusión mundiales no se interesan en la misma.

Los tubu, que comenzaron la Rebelión Tubu en 1994, se han calmado algo en 1996-97. Pero los wodaaabe -que siempre han usado arcos y flechas envenenadas para cazar antílopes y para defenderse si son atacados- han sido forzados desde 1994 a comprar fusiles Kalashnikov para defenderse cuando son atacados por los tubu, quienes están generalmente en posesión de diversas armas. Por lo que el monte se está convirtiendo cada vez más en un lugar inseguro en los cuatro países en torno al lago Chad.

La estrategia usada por los wodaabe ha sido el pacifismo. "Nos escondemos detrás de un arbusto" si ocurre algo peligroso, dicen. Hasta ahora los wodaabe no se han comprometido en ninguna rebelión, a diferencia de los tuareg y los tubu. Y los wodaabe no tienen una organización propia como, por ejemplo, sus primos, los *mbororo* del norte de Camerún.

Marginación de los nómadas en el Sahel

Los wodaabe están presionados por muchas partes, amenazados ecológica, económica y políticamente. Como consecuencia de la creciente degradación ambiental y la inseguridad económica en el Sahel, los pauperizados grupos nómadas comienzan a combatir entre sí. En el departamento de Diffa y Borno al sur de la frontera Níger-Nigeria, los tubu matan a los wodaabe. Ambos están sufriendo en realidad los mismos cambios básicos socioeconómicos y políticos. El aumento de la densidad de población en países pobres como Níger y Chad intensifica la presión sobre la tierra.

La presión proviene sobre todo de los agricultores del sur, quienes están en mayoría y forman los gobiernos. Aunque el Sahel es sólo marginalmente apropiado para la agricultura, ellos invaden cada vez más las tierras de los pastores nómadas. En Níger, los agricultores cierran frecuentemente las sendas ganaderas que conducen al sur durante la difícil estación seca. En algunos lugares los agricultores hacen "campos de trampas", mal sembrados, para obtener dinero de los nómadas que tienen que pagar multas si sus animales entran en un campo. Pero lo opuesto -que los agricultores paguen a los nómadas por apoderarse de sus pasturas o por cerrar sus tradicionales sendas ganaderas- no ocurre nunca, pues los miembros del gobierno y los empleados públicos pertenecen a las poblaciones agrícolas sedentarias.

Además de estos problemas, los pueblos de los estados saheliano están sufriendo a causa de los Programas de Ajuste Estructural que el Banco Mundial y el FMI imponen a los países africanos. El Programa de Ajuste Estructural (PAE) es muy duro en un país como la República de Níger. El ex presidente Mahamane Ousmane del primer gobierno democrático de Níger, trabajó arduamente para convencer a la población para que se ajustara al PAE. Muchos salarios fueron reducidos en un 5-20% en Níger, y la cantidad de empleados públicos fue reducida considerablemente. El golpe militar de Mainassara, en enero de 1996 en Níger, puso fin al nuevo y frágil gobierno democrático. Para los nómadas wodaabe del monte, lo más importante es que éste esté libre de rebeldes: "deseamos un monte pacífico, eso es todo".

La amenaza del uranio, el petróleo, el oro y los diamantes

La situación de los nómadas wodaabe no se hará más fácil por el hecho de que se encuentra uranio, oro, diamantes y ahora también petróleo en la zona saheliana. Esto significa que a los pastores nómadas no les será permitido (a largo plazo) migrar libremente como lo hacen ahora, en las áreas cercanas al lago Chad. Los intereses de las grandes compañías, en colaboración con los gobiernos de Níger, Nigeria, Camerún y Chad, significará que los nómadas serán lentamente presionados a abandonar sus áreas tradicionales de pastoreo. La Rebelión Tuareg puede ser entendida en este contexto: en conexión con los intereses de las compañías mineras en las áreas donde los tuareg, criadores de camellos, migran tradicionalmente.

Formas de resistencia wodaabe

Los wodaabe dicen frecuentemente: "¡a nosotros los wodaabe nos disgusta ("rechazamos") sumamente el poder gubernamental!". Con eso significan que les disgusta las autoridades como el ejército, la gendarmería, la policía, el personal aduanero y otros funcionarios públicos, que usan (y generalmente abusan) su poder cuando se encuentran con nómadas como los wodaabe. Además de ésto, en el norte de Nigeria hay también ladrones armados que matan seres humanos y roban el ganado de los pastores como los wodaabe. Y no hay nadie para implementar la ley y protegerlos. El régimen militar del General Abacha no pensaría jamás en ayudar a los nómadas del monte.

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Los wodaabe rechazan las escuelas, ya que son todas para los niños de pueblos sedentarios, no para niños nómadas. Si hubieran escuelas nómadas a las cuales pudieran asistir sus niños en combinación con la cría de animales, no se negarían a la escuela. Los wodaabe creen que es mejor mantener a sus niños en el monte: "nuestros niños nunca obtendrán los buenos trabajos como funcionarios públicos, etc., saldrán simplemente de la escuela, y así terminarán como jóvenes desempleados que fuman cigarrillos en las esquinas de los pueblos. ¡¿Entonces, cuál es el propósito de la educación para nosotros?!". Los wodaabe son estigmatizados, llamados "primitivos del monte que usan ropas paganas (pantalones de cuero)" por los agricultores sedentarios de las aldeas y por los africanos occidentales urbanos.

La mayoría de los wodaabe reaccionan frente a la estigmatización manteniendo la cabeza en alto - y exhibiendo deliberadamente su "exótica" cultura a otros: mediante sus danzas, vestimentas étnicas, pinturas faciales y tatuajes, etc., preservando su autonomía cultural. Pero su cultura es generalmente abusada por las propagandas, para atraer a los turistas a Níger o para vender cualquier cosa, desde teléfonos móviles a café en Europa.

Los wodaabe todavía no están organizados para la defensa de sus derechos, y tampoco tienen "lobby": ningún abogado, ningún político, nadie que represente sus intereses en los gobiernos, o que defienda sus derechos territoriales.

Hasta ahora, los wodaabe han optado por una estrategia diferente de supervivencia: se niegan a sedentarizarse, se niegan a asumir la agricultura, se niegan a vender sus ganados en los mercados y lo mantienen fundamentalmente como animales lecheros. Insisten en mantener su economía de subsistencia contra la economía de mercado. Por eso no es de asombrarse que los nómadas wodaabe sean impopulares para la mayoría de los gobiernos de los estados sahelianos.

Literatura

Woodhead Bovin. "The Wodaabe". 16 mm film, 55 minutos. Producido por ranada Television de Inglaterra, Mancheste & Londres. Antropóloga: Mett Bovin, directora & productoa Leslie Woodhead. 198.

Bovin, Mette: "Nomades "sauvages" et paysans "civilisés": Wodaabe et Kanuri au Borno", en: *Journal des africanistes, París: Musée de l'Homme*, 1984,pp.

Bovin,Mette: "Nomads of the Drought: Fulbe and Wodaabe Nomads Between Power and Marginalzation in the Sahel of Burkina Faso and Niger Republic", pp. 29-57 en: *Adaptive Strategies in African Arid Lands*. Eds. M.Bovin y L. Manger, Publicado por EL Instituto Escandinavo de Estudios Africanos, Uppsala, Suecia, 1990.

GHANA

Los konkombas del norte de Ghana

En febrero de 1994 estalló una guerra tribal en el norte de Ghana entre dos grupos con diferente estructura social: los indígenas y acéfalos (sin jefe) *konkombas* por un ldo y las tribus "aliadas", con jefes, *dagombas, namumbas* y *gonjas*, por el otro. El conflicto expuso una seria tensión entre estos grupos étnicos en torno a la propiedad de la tierra. El Conflicto del Norte, también conocido como "la guerra de las aves de guinea", porque comenzó como una disputa sobre este animal, fue apenas registrada en Africa, por no mencionar al mundo. Sin embargo, la guerra era mucho más compleja de lo que sus farsescos orígenes sugieren. Puso en riesgo a la estabilidad interna de Ghana, su desarrollo democrático y su reputación en el exterior. El número oficial de muertos fue de 4.000, pero estimaciones extraoficiales lo elevan hasta 10.000.

Los konkombas viven una vida oculta, diseminados en el monte del norte de Ghana, y los problemas que los konkombas han estado enfrentando, y enfrentan ahora, pueden ser mejor descritos en términos de aislamiento. Durante la guerra, sus hogares y sus lugares de almacenamiento fueron quemados y su ganado sacrificado por los soldados de las Fuerzas Especiales. Buscaron refugio adentrándose en el monte, donde ahora son completamente autosuficientes y están más aislados que nunca. Su aislamiento ha hecho que el trabajo de desarrollo y la provisión de servicios sean aún más difíciles. Ahora tienen dificultades para trasladarse y no pueden pasar por los centros administrativos pues corren el riesgo de ser muertos. No tienen acceso a ninguno de los importantes sevicios ofrecidos por tales centros: hospitales, escuelas, bancos, vivienda, agua corriente y electricidad, servicios postales, teléfonos, combustibles. Tampoco recibieron ayuda para los refugiados. Desde la guerra de 1994 no se ha hecho mucho -prácticamente nada- para mejorar su situación. Sin embargo, a causa de la discriminación étnica de los konkombas, la organización alemana para el desarro-

llo GTZ (Gesellschaft Technische Zusammenarbeit) decidió cancelar o posponer un programa de desarrollo a gran escala dedicado a la reconstrucción del sector sanitario y hospitalario de la Región del Norte. Su propia organización KOLADEP (programa para el Alfabetismo y Desarrollo Konkomba) está tratando ahora de reorganizar sus actividades incluyendo la transferencia de su oficina central de Tamale, la capital regional, a su ciudad principal, Saboba, pues ya no pueden operar desde Tamale.

La hostilidad entre los grupos en guerra se remonta a los acontecimientos de alrededor de comienzos del siglo XVI, cuando los grupos con jefaturas llegaron como guerreros -como invasores y cazadores de esclavos- al norte de Ghana.

Hasta el comienzo del siglo XVII, los guerreros concentraron sus actividades incursoras principalmente en la parte central y septentrional de lo que hoy es el norte de Ghana. En este temprano período, los konkombas fueron expulsados de sus áreas tradicionales en el centro del norte de Ghana. Ellos huyeron al río Oti y sus llanuras, un área destacada por sus inundaciones anuales. Tendieron, como lo hacen hoy en día, a ocupar tierras de difícil acceso. Después de haber de haber desangrado a la población del oeste del Volta mediante la caza de esclavos y de botines durante casi cuatro geenes, tres de los grupos con jefatura, los dagomba, los nanumba y los gonja se dirigieron hacia el este en busca de oportunidades más remuneradoras, y se trasladaron entonces al área circundante al río Oti, - el corazón de los asentamientos konkomba. Aquí fundaron sus reinos en Yendi, Bimbilla y Salaga. Una guerra entre los grupos con jefatura y los *ashanti* aumentó sumamente la demanda de esclavos y fue principalmente el pueblo konkomba el que fue objeto de sus incursiones. Junto con la esclavitud, se impuso un sistema tributario bien definido por parte de los grupos con jefaturas sobre los konkombas se fundó una relación de superioridad e inferioridad que fue fortalecida durante el colonialismo europeo.

Konkombaland fue primero sujeto al dominio colonial alemán (de 1884 a 1914) y luego al poder colonial británico. A diferencia de los alemanes, la administración colonial británica (y aparentemente también los regímenes poscoloniales) se pusieron de lado de aquellos grupos que tenían jefes y "estados" y poder político centralizado. Los jefes servían como agentes del poder británico y éstos permitían a los grupos con jefatura dominar a los acéfalos konkomba mediante la implantación de jefes en territorios kon-

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komba. Durante la época colonial los jefes continuaron gobernando a los konkombas a través de los poderes europeos, y en algunos casos su poder se extendió enormemente: los antiguos cazadores de esclavos se convirtieron en cazadores de impuestos.

La dominación de los grupos con jefatura fue legitimizada a través del "gobierno indirecto" y los konkombas podían apenas distinguir entre sus dominadores. Los konkombas eran "molestos" para los regímenes coloniales y en realidad ni los alemanes ni los británicos lograron "pacificarlos": nunca se estableció un diálogo pacífico.

Cuando Konkombaland pertenecía al protectorado alemán, el cual tenía su sede en Lome en Togo, un gran número de gente de las otras tribus del norte de Ghana migraron a causa del trabajo asalariado en el sur. Los británicos concentraron en esta región todas sus actividades comerciales en minas de oro y plantaciones. Los konkombas fueron el único grupo étnico del norte de Ghana que no se unió a esta migración. Ellos continuaron con los modelos de migración que eran comunes a todas las tribus del norte antes de la llegada de los poderes coloniales: cuando el suelo exhausto no podía alimentar más a la creciente población, se trasladaban en busca de monte virgen para cultivar. Este modelo de migración aumentó la tensión entre los grupos con jefatura, que se consideraban los propietarios de la tierra (por conquista) y los patrones de los indígenas konkombas.

La invasión de las tribus con jefatura, la esclavitud, el colonialismo, la falta de contacto con el mundo exterior a causa de la carencia de oportunidades de trabajo asalariado - y las dificultades geográficas y ambientales, todo ha contribuido a profundizar el aislamiento político, económico y cultural de los konkombas.

NIGERIA

Tal como ha sucedido todos los años desde el comienzo de la década de 1990, 1996 fue otro año marcado por las continuas tribulaciones para el medio millón de *ogoni* del sureste de Nigeria. Como eje de la continua represión de esta minoría étnica están el gobierno militar nigeriano, encabezado por el General Sani Abacha, y Shell, la compañía petrolera anglo-holandesa que es la principal exploradora y explotadora de las reservas petrolíferas de Ogoniland. En 1995, el gobierno del General Abacha, con el apoyo apenas

encubierto del "lobby" internacional del petróleo encabezado por Shell, intentó, "de una vez por todas", resolver lo que fue descrito como el "problema ogoni" llevando frente a un tribunal a destacados ogoni, activistas por los derechos humanos, el cual, finalmente, sentenció a Ken Saro-Wiwa y otros ocho a muerte por colgamiento, según las instrucciones del régimen militar. No obstante, la ejecución de los activistas el 10 de noviembre de 1995, lejos de "pacificar" a Ogoniland volvió a encender la resolución del pueblo de luchar por la justicia. Durante gran parte del período posterior a las ejecuciones, la junta militar ha estado ocupada con su campaña de violencia contra los ogoni mientras que la inquietud reinante en el área significó que Shell no pudo reiniciar sus operaciones mineras tal como lo esperaba.

Internacionalmente, la ejecución de Saro-Wiwa y sus colegas propició la imposición de algunas sanciones contra la oligarquía militar que está en el poder en Nigeria; también concentró la atención sobre las actividades de Shell en Nigeria y dio impulso a una campaña internacional de boicot contra la gran empresa petrolera. Durante gran parte de 1996, tanto la dictadura de Abacha como Shell, enfrentados a un oprobio mundial, contrataron consultores internacionales de relaciones públicas con el objetivo de lavar sus atrocidades en Ogoniland y confundir a la opinión pública internacional con respecto a la verdadera dimensión de su campaña de terror contra los ogoni. Shell realizó publicidad internacional en destacados periódicos y revistas internacionales de todo el mundo, tomando distancia de la decisión de ejecutar a Saro-Wiwa y los otros ocho activista ogoni y presentando una lista de proyectos de "desarrollo" que supuestamente estaba realizando para el beneficio de los ogoni. También incurrió en grandes gastos para patrocinar a selectos periodistas para que "vieran por ellos mismos" la "verdadera" situación de Ogoniland; en todos los casos, esas giras fueron sumamente guiadas y los visitantes a Ogoniland, incluyendo a ciudadanos nigerianos y diplomáticos extranjeros con base en Nigeria, que no eran invitados del gobierno militar o de Shell y no habían sido explícitamente aceptados por las fuerzas de seguridad, fueron impedidos de entrar a Ogoniland por el ejército y el personal de seguridad desplegado para ocupar el área. La cara campaña de mentiras y engaños de Shell fue severamente socavada por su admisión de que había comprado armas y equipos para el uso en el delta petrolero nigeriano por la policía y otras agencias de seguri-

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dad. Tal admisión brindó la confirmación de que Shell, lejos de ser un actor "inocente", era un militante financiero de la maquinaria de opresión y represión que el gobierno nigeriano había montado en Ogoniland y gran parte del resto del sureste del país.

El gobierno nigeriano también contrató espacio publicitario en los medios de difusión internacionales con el objetivo de retratar a Saro-Wiwa como un "violento asesino" que había sido convicto de acuerdo a la ley nigeriana y con el debido proceso legal; pocos fueron convencidos por la flagrante campaña de mentiras y calumnias que la dictadura de Abacha agitó durante 1996 contra los activistas. Aún muerto, Saro Wiwa continúa claramente amenazando al grupo de militares y civiles que ordenaron su muerte en 1995. Y en contraste directo a los alegatos del régimen de que Ogoniland se ha convertido en un jardín de paz, el mundo fue alertado durante 1996 por el creciente flujo fuera del área de la mayoría de los adultos físicamente capacitados, hombres y mujeres, para refugiarse en campamentos en la República de Benin. En determinado momento, informes de un periódico local fijaron la cantidad de refugiados en los campamentos de la República de Benin en casi 2.000 personas. Por todo el mundo, los jóvenes ogoni, hombres y mujeres, empujados al exilio se convirtieron en una característica regular de la creciente comunidad de refugiados políticos nigerianos. La suya fue una respuesta directa a una política de eliminación implementada contra todos los ogoni, con edad suficiente como para mantener viva la llama de la resistencia en Ogoniland. El gobierno militar también identificó como víctimas a muchos ogoni empleados en el servicio público del estado Rivers y en el servicio público federal. No hace falta decir que la pertenencia al Movimiento por la Supervivencia del Pueblo Ogoni (MOSOP) es razón suficiente para convertirse en blanco de abusos físicos y arrestos. Para los Ogoni que han permanecido en el delta nigeriano, la necesidad de evadir al implacable ejército de ocupación que ha tomado control del área, ha significado pasar la mayor parte de las horas de luz en el monte.

Durante el transcurso de 1996, un equipo de las Naciones Unidas establecido para investigar las circunstancias en torno al juicio y ejecución de Saro-Wiwa y los otros ocho ogoni, obtuvo permiso para visitar Ogoniland, después de mucho cabildeo con el régimen militar nigeriano sobre el alcance de su trabajo. Sin embargo, antes de la visita, las fuerzas de seguridad habían hechos ingentes esfuer-

zos para "limpiar" Ogoniland de testigos que pudieran brindar un testimonio pernicioso contra el gobierno y el ejército. Los activistas de MOSOP fueron particularmente objeto de arresto y detención. Los periodistas independientes fueron también severamente restringidos mientras que los asesores legales del difunto Saro-Wiwa y sus co-acusados fueron arrestados y mantenidos en detención. De esta manera, el régimen trató de asegurar que la misión viera sólo a aquellos que el mismo quería y que su versión de los acontecimientos de Nigeria en general y de Ogoniland en particular, ahogara todas las versiones contrarias. Por su parte, Shell realizó una campaña de "limpieza" para eliminar algunos de los peores rastros de los daños al medio ambiente causados por sus actividades. No obstante, a pesar de todo ésto, contra todos los cálculos, el MOSOP pudo organizar a la juventud Ogoni y a las mujeres, para manifestar contra Shell y el ejército nigeriano durante la visita del equipo de la ONU; fue el único momento en que los investigadores internacionales fueron capaces de hablar directamente con los ogoni sobre sus dificultades. El informe del equipo, también publicado en 1996, contiene críticas directas al juicio y la ejecución de Saro-Wiwa y sus ocho compañeros.

Mientras tanto, otros 19 activistas ogoni que habían sido arrestados con Saro-Wiwa en 1994 y que aguardan juicio por parte del mismo tribunal títere que promulgó el asesinato judicial del líder del MOSOP y de sus ocho colegas, siguen en manos del ejército. Aparte del hecho de que han estado detenidos sin juicio durante un prolongado período de tiempo, los informes publicados por los medios de difusión locales de Nigeria y por grupos por los derechos humanos en el país y en el extranjero, sugieren que fueron víctimas de torturas y humillaciones rutinarias, del mismo tipo de las que fueron constatadas contra Saro-Wiwa y los otroscho ogoni antes de su final ejecución, a sangre fría. Ni a la familia ni a los representantes legales se les autorizó el acceso a los 19 activistas; sin embargo, funcionarios estatales realizaron en forma rutinaria y abierta, amenazas en torno al castigo que les iba a ser infligido. La amenaza de un "tratamiento Saro-Wiwa" contra los activistas en pro de los derechos humanos y minoritarios se convirtió en un cínico instrumento empleado por los agentes del régimen militar en sus esfuerzos para imponer el silencio y el conformismo en todo el país. No obstante, durante 1996, el MOSOP logró conmemorar al Día Ogoni anual; ese día de 1996, de canciones, mitines y manifestaciones,

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tuvo un significado extraordinario por el hecho de que fue el primero organizado después de la ejecución de Saro-Wiwa y los otros ocho activistas, y los organizadores lograron superar al personal de seguridad desplegado en Ogoniland antes de ser dispersados.

Los temas por los cuales Ogoniland ha sido castigada por el ejército nigeriano y por Shell y por los cuales Saro-Wiwa y sus compañeros fueron ejecutados, se centran en los derechos de las minorías étnicas que pueblan el delta nigeriano a disfrutar de los beneficios de la explotación petrolera de su tierra y a detener la destrucción ambiental que están infligiendo las actividades de exploración, con severas consecuencias para la ecología del área y la subsistencia de los pueblos. Estos temas tocan directamente la forma de organización de la federación nigeriana y la necesidad de una mayor responsabilidad corporativa por parte de los gigantes petroleros. MOSOP encabezó la campaña de los ogoni por una mayor participación en los ingresos que afluyen al estado nigeriano por concepto del petróleo, de manera que el pueblo pudiera gozar de algunos de los beneficios básicos del desarrollo, como agua potable, carreteras transitables, electricidad, facilidades sanitarias y escuelas. También exigía compensación de Shell por la destrucción ambiental que sus actividades habían ocasionado en el área, incluyendo los derrames de petróleo y la quema de gas. La violenta negativa del gobierno militar nigeriano y Shell frente a las demandas pacíficas, no violentas, de los ogoni, no logró contener la creciente inquietud en el delta nigeriano y durante 1996, otras comunidades del sureste de Nigeria, rico en petróleo, enfrentaron directamente a las multinacionales petroleras que operan en sus territorios y plantearon un desafío directo a la autoridad y métodos del gobierno nigeriano. En la medida en que 1996 llegaba a su final, quedó claro que lo que Shell y el gobierno nigeriano habían tratado de presentar como un caso aislado de descontento limitado a los ogoni y a Ogoniland, era algo mucho más generalizado y profundo. El delta nigeriano se ha convertido en un verdadero delta de descontento.

AFRICA ECUATORIAL

La región ecuatorial africana contiene el área contigua más grande de selva húmeda tropical de Africa (estimada en alrededor de 1,7 millones de km2 -Sayer, Harcourt y Collins 1992- constituyendo el 12% de la selva húmeda tropical restante del mundo) y es el hogar

de varios cientos de pueblos estrechamente relacionados desde el punto de vista lingüístico y que suman unas 12 millones de personas, así como también de unos 300.000 cazadores-recolectores (Colchester 1994). Hasta ahora relativamente inexplotadas, excepto en Camerún, donde la deforestación puede alcanzar hasta el 3% anual (Programa de Apoyo a la Biodiversidad 1993), estos bosques son cada vez más el centro de iniciativas mundiales, incluyendo proyectos de desarrollo, explotación maderera comercial y proyectos de certificación maderera.

A pesar de la severa alteración social y la explotación sufrida por los pueblos habitantes del bosque en el Africa central durante los últimos dos o tres siglos (ver Colchester 1994), los pueblos locales han conservado mucho de sus sistemas consuetudinarios de derechos territoriales y disponen de claros conceptos de propiedad y control de la tierra - testimonio de su fundamental importancia para estas sociedades.

En el proceso de "creación del estado", los estados centrales africanos han optado por ignorar, desalentar o reprimir, el reconocimiento de las diferencias étnicas y los derechos colectivos de los diferentes pueblos dentro de los límites del estado. Esto ha contribuido a una forma muy frágil de participación en la cual las decisiones son mayormente tomadas en las ciudades, lejos de los bosques y la gente que allí vive.

A largo plazo, se necesitarán acuerdos constructivos con el estado y otras agencias nacionales de tomas de decisión, para asegurar que las instituciones comunitarias locales puedan proteger efectivamente sus áreas contra la presión externa. Sin embargo, esta relación puede llegar a ser la más difícil de establecer. Algunos estados no están dispuestos, o en condiciones de embarcarse en el diálogo, temerosos de reconocer los derechos de pueblos dentro del marco del estado. No obstante, la mayoría de las demandas hechas por los pueblos indígenas y tribales por más control sobre sus territorios y su futuro, son perfectamente compatibles con los requerimientos de una estructura democrática. La afirmación de los derechos de los pueblos indígenas y tribales ofrece una alternativa a los conflictos étnicos y abre vías para la resolución de conflictos a través de acuerdos constructivos, negociados, entre los estados y los pueblos. El objetivo debería ser permitir a los pueblos salvaguardar su futuro sin recurrir a la violencia.

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Caminos

La inaccesibilidad de los bosques centrales africanos ha contribuido a su nivel de explotación relativamente bajo hasta ahora. Varios países desean ahora mejorar la infraestructura y están buscando financiación para proyectos de construcción y mejora de caminos. Aunque la mayoría de las agencias internacionales de cooperación tienen procedimientos de evaluación para evaluar los impactos sociales y ambientales de sus préstamos, estas medidas son generalmente inadecuadamente aplicadas en la práctica.

Por ejemplo, en 1996, Camerún recibió un Préstamo para el Sector de Transporte de U$60 millones del Banco Mundial, el cual fue impulsado bajo la presión del gobierno francés a pesar de la falta de atención a las consecuencias ambientales y sociales del proyecto. El Banco Mundial anunció que el proyecto no incluiría el segmento Abong Mbang-Lomie en el sureste de Camerún, el cual el Banco de Desarrollo Africano también se negó a financiar en base a fundamentos sociales y ambientales. Sin embargo, mientras que el debate sobre este segmento estaba en marcha, en realidad los trabajos se estaban completando con financiación de la Unión Europea. El Banco Mundial se ha comprometido a realizar un proceso de investigación ambiental por cada sector de camino rehabilitado bajo el préstamo de Camerún, el cual dice "brindará las oportunidades para la plena participación pública". El Banco Mundial debería por lo tanto estar contactando a las comunidades forestales locales de las áreas afectadas con el efecto de consultarlas. El asesoramiento de científicos sociales y otros investigadores que trabajan en estas áreas ayudarán al Banco Mundial a llevar a cabo su proceso de consulta más efectivamente.

El Banco Mundial está planificando más Préstamos para el Sector Transporte para Gabón (U$50 millones), la República Centroafricana (U$30 millones) y Congo (U$20 millones). Siguiendo la experiencia del proyecto de Camerún, el Banco Mundial dice que estas operaciones serán sujetas a Evaluaciones Ambientales completas. Estas evaluaciones deberían evaluar cómo los caminos aportarán mejoras concretas a las comunidades forestales, sin acelerar la deforestación o la infracción de derechos territoriales y al uso de recursos.

Explotación maderera

Con la destrucción de los bosques en Africa occidental, los intereses madereros están ahora volcándose cada vez más al área central

africana. Las principales compañías madereras son consorcios europeos con concesiones en varios países africanos, por ejemplo Danzer (Alemania), Rougier (Francia) Thanry (Francia), Bolloré (Francia), Wyma (Holanda), y con subsidiarias separadas y compañías nacionales afiliadas que operan en los diferentes países. En general, estos consorcios practican la extracción selectiva de sólo unas pocas especies, lo cual requiere la apertura de grandes áreas de bosques para una producción relativamente pequeña de madera. En sí mismo, esto no llevaría inevitablemente a la destrucción forestal, siempre y cuando la explotación de la madera fuera realizada como parte de un plan de manejo forestal diseñado para asegurar una explotación maderera sustentable a largo plazo. Sin embargo, todavía no existe virtualmente ninguna instancia de buen manejo forestal en la región.

Un reciente acontecimiento es el rápido aflujo al área de compañías madereras con base en Asia. Estas usan técnicas de extracción más intensivas, ya que son capaces de comercializar un abanico más amplio de especies. Las firmas asiáticas tienden entonces a estar menos atadas a un sistema de explotación basado en la concesión y obtienen cada vez más madera mediante derechos madereros sub-contratados a compañías madereras locales, con el resultado de que sus actividades son más difíciles de controlar. Aunque la mayoría de la madera es exportada a Europa, principalmente a Francia, Italia y España, los mercados del lejano oriente (Japón, Corea del Sur y China) están creciendo en forma dramática y pueden pronto desplazar al mercado europeo. En 1996, el 57% de las exportaciones madereras de Gabón y el 36% de las de Camerún fueron para destinos asiáticos (estadísticas de *Tropical Timbers*, edición de febrero de 1997).

La construcción de caminos y otro tipo de infraestructura (escuelas, servicios médicos) y las oportunidades de empleo pueden ser inicialmente bienvenidas por las comunidades locales, pero también estimulan la afluencia de gente al área, la limpieza por los intrusos de más bosques para granjas y un dramático incremento de la caza comercial, respaldada por las elites y funcionarios locales para suministrar a los centros urbanos con carne de monte. Aunque las comunidades pueden beneficiarse inicialmente por los servicios brindados por las compañías madereras, cuando finalizan las operaciones madereras, la gente pierde sus trabajos y las facilidades brindadas se deterioran. Mientras tanto, los recursos naturales del

área han sido destruidos o degradados. Las comunidades cazadoras-recolectoras no involucradas en la economía de mercado son las que tienen más para perder y menos para ganar de las oportunidades comerciales ofrecidas por la apertura de los bosques a través de la explotación maderera.

La capacidad y la voluntad de los gobiernos estatales para controlar a las actividades madereras en los bosques sobre los cuales alegan autoridad, son cuestionables. Estudios filtrados realizados por el Banco Mundial en el Congo y publicados por el Movimiento para los Bosques Tropicales (Colchester 1994) muestran cómo las compañías madereras extranjeras pueden evadir las reglamentaciones nacionales y las leyes mientras que las elites gobernantes y sus sustentadores extranjeros se enriquecen. Otros problemas son causados por el compromiso financiero de figuras políticas europeas, por ejemplo, en compañías madereras de Camerún (Verhagen & Enthoven 1993).

Las comunidades habitantes de los bosques entran cada vez más en conflicto con las compañías madereras. Son particularmente vulnerables a los efectos de la explotación forestal comercial porque sus derechos territoriales consuetudinarios y sus sistemas de propiedad y control de la tierra, que fueron en gran medida ignorados por las autoridades coloniales, siguen siendo desestimados por las autoridades nacionales ya que prácticamente toda la tierra fuera de los centros urbanos es considerada como de propiedad del estado. Los derechos consuetudinarios son reconocidos en grados diversos en los diferentes países del Africa central, pero de cualquier manera son rápidamente extinguidos en nombre del "interés público" y las concesiones madereras son otorgadas sin considerar o consultar a las poblaciones locales.

Petróleo

Un proyecto explotación petrolera de miles de millones de dólares que comprende al Chad y Camerún está siendo planificado por un consorcio internacional consistente de Exxon, Shell y ELF. Esto ha planteado muchas preocupaciones ambientales y sociales, documentadas por el Fondo para la Defensa Ambiental con sede en Nueva York (Horta 1997).

El proyecto, programado para comenzar a producir petróleo en el año 2000, explotará los campos petrolíferos de Doba en el sur de Chad y transportará el petróleo a través de un oleoducto subterrá-

neo de 1.000 km a través de la región forestada del sureste y sur de Camerún hasta Kribi, en la costa atlántica. Esta ruta, aparentemente elegida en base a consideraciones políticas y militares (Horta 1997), tendrá impactos considerables sobre los pueblos forestales. Entre estos están la limpieza de bosques para proyectos de infraestructura; los impactos sociales y sobre la salud de una afluencia de gente en busca de empleo (se planean 600 puestos de trabajo) y los servicios para la fuerza de trabajo migratoria a lo largo del oleoducto y el puerto de Kribi; un aumento de la caza organizada; los impactos sobre las Reservas de Campo y Douala-Edea; y la probabilidad de filtraciones no detectadas, particularmente en los ríos, de hasta 2.000 galones diarios de petróleo de Doba, de baja calidad y con alto contenido sulfúrico.

El proyecto, iniciado por el sector privado, depende de la financiación pública del Banco Mundial, porque el consorcio considera la participación del Banco Mundial como la pieza central de su estrategia de reducción de riesgos en una parte políticamente inestable de Africa, y como necesario para atraer la financiación de agencias de créditos de exportación y de bancos comerciales. Se alega que el proyecto aliviará la pobreza porque los ingresos provenientes del petróleo que obtendrá el gobierno del Chad serán invertidos en un fondo de desarrollo (bajo el exclusivo control del Gobierno) y los ingresos por concepto de "royalties" que obtendrá el gobierno de Camerún (hasta US$60 millones por año) brindarán apoyo presupuestario general al gobierno y serán usados para aliviar el peso de la deuda externa del país. Sin embargo, el mismo Banco Mundial ha destacado que el compromiso del gobierno de Camerún con el alivio de la pobreza, es débil (Banco Mundial 1995) y la magnitud de las ganancias presupuestarias que "gotearían" y proveerían beneficios al sector social, sanitario, educativo y para la protección ambiental, sigue siendo cuestionable.

Se está preparando una Evaluación de Impacto Ambiental, la cual según la Directiva Operacional para la Evaluación Ambiental del Banco Mundial, de 1991, requiere que los prestatarios "tomen plenamente en consideración la opinión de los grupos afectados y las ONGs locales en el diseño e implementación del proyecto, y en particular en la preparación de las (Evaluaciones Ambientales)."

La extensión de la consulta parece hasta ahora limitarse a reuniones públicas planificadas por Exxon en cada localidad por donde pasará el oleoducto.

Referencias

Banco Munial, 1995. Informe Conclusivo de Implementación. República de Cameún. Proyecto de las Dimensiones Sociales del Ajuste. junio 16, 1995. Washington DC. EUU.

Colchester, M., 1994. *Slave and Enclave: Te Political Ecology of Equatorial Africa*. Movimiento Mundial para los Bosques Tropicaes. Penang.

Horta, K., 1997. *Questions concerning the World Bank and Cad/ Cameroon Oil and Pipeline Project*. Environmental Defense Fund. Nueva York.

Programa de Apoyo a la Biodiversidad, 1993. Africa Central: Cambio Climáico Global y Desarrollo Informe Técnico. Programa de Apoyo a la Biodiversidad. Washington. EEUU.

Sayer, J., C.S Harcourt y N.M. Collins, 1992. *The Conservation Atlas of Tropical Forests: Africa*. Macmillan.

Verhagen, H. y C. Enthoven, 1993. *Logging and Conflicts in the Rainforests of Cameroon*. Amigos de la Tierra Holanda y Comité holandés de IUCN.

KENIA

En Kenia, la política es casi siempre discutida con una dimensin tribal. A continuación de un supuesto período de dominación *kikuyu* bajo el presidente Kenyatta, hoy se piensa que el gobierno favorece a ciertos grupos *kalenjin* del presidente arap Moi, como los *kipsigi, nandi, tugen* y *keiyo* en detrimento de otros subgrupos y pueblos no-kalenjin. Los partidos políticos todavía están muy divididos a través de las líneas étnicas. Recientes acontecimientos sucedidos en Nairobi atestiguan la mala situación de los derechos humanos en Kenia en lo que respecta a la política de oposición. La represión de los oponentes se ha manifestado recientemente en golpizas a periodistas y activistas del partido Safina y la muerte de un líder estudiantil, Solomon Muruli.

Violencia étnica

El origen de los enfrentamientos interétnicos y las graves violaciones de los derechos humanos en el Valle Rift, en las provincias

Occidental, Nyanza y Nororiental, ha sido instigado por algunos ministros del gobierno, quienes han usado su autoridad para incitar a la turba dentro del electorado del Valle Rift para que expulsaran a miembros de otros grupos étnicos y reclamaran tierra que se juzga ellos han "tomado". Esto ha resultado en bandas armadas que atacan a aquellos considerados como comunidades no-indígenas y la quema de sus hgares. Después de un período de relativa paz, la perspectiva de un conflicto ha surgido otra vez. El Ministro de Gobierno Local del distrito de Pokot Occidental, Francis Lotodo, quien es tristemente famoso por su expulsión de los residentes kikuyu del pueblo de Makutano, ahora alega que los *luhya* del distrito de Trans Nzoia están persiguiendo a los *pokot*. Esto ha ocasionado contra acusaciones de que los pokot son ladrones de ganado y asesinos. Los ancianos *saboti* apoyan al Sr. Lotodo y alegan que los *nandi* están hostigando a los *saboat*. Estas acusaciones inflaman los sentimientos raciales que hacen erupción en violencia entre grupos que hasta el momento habían vivido en relativa paz.

Política maasai en Narok

El distrito de Narok tiene uno de los consejos municipales más ricos del país. Esto es debido en gran medida a los ingresos generados por las instalaciones turísticas dentro y alrededor de la Reserva de la Fauna Maasai Mara. Hasta hace poco, el Ministro de Gobierno Local, el Hon. W. R. ole Ntimana, gobernaba el distrito como su feudo. Sin embargo, ha sido recientemente depuesto como ministro y se ha propuesto un cambio en el personal más antiguo por parte del Consejo Municipal de Narok. Las implicaciones de estos cambios para una justa resolución del conflicto sobre los derechos al bosque sagrado *maasai*, Loita (Naimina Enkiyio) están todavía por verse. Sin embargo, la codicia puede dictar que a pesar de los cambios de autoridad, los pade explotación comercial del bosque podrían seguir adelante en contra de la campaña y de la demanda judicial presentada por el Fondo de Conservación de Loita Naimina Enkiyio.

El caso Iloodoariak

Una campaña conducida por los maasai de la sección de Iloodoariak por fin ha logrado algunos progresos en su lucha por la restitución de tierras adquiridas por elementos eternos durante la subdivisión. Cediendo frente a la presión internacional y la amenaza de juicio, el Ministro de Justicia ha formulado un proyecto de ley

(La ley de Adjudicación de Tierras (Enmienda)) para resolver el problema de aquellos que quedaron sin tierras por error o fraude a través de la anulación de los registros de adjudicación relativo a las secciones Adjudicadas de Iloodoariak y Mosir. La ley también encara la totalidad del problema de las tierras ilegalmente adquiridas más allá de esas áreas de Maasailand, y debería restringir en el futuro el potencial de que no-residentes despojen a residentes de tierras bajo el proceso de adjudicación, restringiendo todo el proceso de adjudicación en favor de los residentes. No obstante, no es seguro de ninguna manera que esta ley llegue al parlamento, y mucho depende de cómo el asunto sea finalmente resuelto por aquellos que están directamente involucrados. Un líder comunitario ya se ha tenido que esconder, temiendo por su vida, y en su ausencia su hogar fue saqueado por "bandidos" que se piensa han sido enviados por aquellas personas que pueden perder si la tierra es devuelta a los residentes.

Problemas en el norte

La escalada de violencia y la inseguridad en el norte de Kenia está causando sufrimientos a los residentes de los distritos de Moyale y Marsabit. Han sido víctimas de una operación de seguridad para repeler a rebeldes del Movimiento de Liberación Oromo, quienes están siendo perseguidos a través de la frontera por fuerzas etíopes. Según un informe reciente de la Comisión de Derechos Humanos de Kenia ("El Pueblo Olvidado") las fuerzas armadas están persiguiendo a los habitantes locales con la escusa de buscar colaboradores. Esto incluye el asesinato, el secuestro, la tortura, la violación y las desapariciones. Hasta la fecha, el gobierno de Kenia ha tolerado estos excesos y no ha realizado ninguna protesta oficial al gobierno etíope, y existen indicios de que los altos funcionaros de Nairobi están tan despreocupados sobre el destino de esos pueblos con afiliación étnica a ambos lados de la frontera con Etiopía y Somalia, como lo estaban en el momento de la represión y muertes sucedidas en Wajir en los años 80.

TANZANIA

Al año de la elección de un nuevo gobierno CCM, existen indicios de que se está produciendo un proceso democrático y que éste está comenzando a aportar las recompensas que implican una mayor

libertad y responsabilidad gubernamental. Los signos de colaboración entre los partidos opositores y la elección de un candidato cristiano por un electorado mayormente musulmán, reflejan también una creciente madurez política. Una disminución de la corrupción y demandas de mayor responsabilidad se reflejan en la renuncia de ministros y la suspensión, retiro y remoción de antiguos funcionarios del gobierno.

Prueba para la justicia

La justicia está mostrando su autoridad e imparcialidad expulsando del parlamento a miembros parlamentarios del gobierno y de la oposición como consecuencia de peticiones electorales de candidatos que perdieron en las elecciones de 1995. No obstante, queda por verse si la total independencia judicial se extenderá a los casos presentados por las comunidades pastoras, alegando violación de sus derechos territoriales consuetudinarios. Por ejemplo, la resolución del caso *barabaig* (*Yoke Gwako & Otros 5 v. NAFCO & Establecimiento Gawal* - Procedimiento Civil No. 52 de 1988) en el cual impugnan la usurpación de 10.000 acres, todavía está trabada por puntos procesales a ser tratados en una apelación, y el segundo caso (*Ako Gembutl & Otros 100 v. NAFCO & los Establecimientos Trigueros Waret & Gidagowmod* - Procedimiento Civil No. 12 de 1989) todavía está siendo tratado después de siete años. La apelación de los acusados en el caso presentado por residentes *maasai* de la aldea de Orkesumet (*Alameni Kambini & Otros 14 v. Consejo Aldeano de Orkesumet, Richard Losioki & Lemburis Leyan* - Procedimiento Civil No. 39 de 1990) en el cual el tribunal sentenció contra el consejo aldeano y los no-residentes que adquirieron ilegalmente título a la tierra bajo demanda. El caso Naberera (*Mary Labdaki y Otros 8 v. Consejo Aldeano de Naberera & Otros 12* - Procedimiento Civil No. 10 de 1996) en el cual residentes maasai cuestionan la adquisición de títulos por quienes ellos llaman "usurpadores de tierras", incluyendo a una compañía multinacional, todavía tiene que ser tratado debido a la demora en emitir emplazamientos a los acusados. La expulsión sumaria de residentes maasai e *il parakuyo* de la Reserva de la Fauna de Mkomazi (*Kopera Keiya Kamunyu & Otros 44 v. Ministro de Turismo y Recursos Naturales, Director de la Fauna & Director de Proyecto de la Reserva de la Fauna de Mkomazi* - Procedimiento Civil No. 33 de 1995) todavía está siendo tratado por la Suprema Corte en Moshi.

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En algunos casos las demoras han sido claramente orquestadas por los acusados con la cooperación de funcionarios judiciales, en otros casos son el resultado de procedimientos judiciales ineficientes y la enorme acumulación de casos. Sin embargo, la máxima *justicia demorada es justicia denegada* es muy apta en este contexto ya que se espera que los demandantes no sólo soporten los males alegados, sino que también asuman los costos adicionales y la inconveniencia de asistir a los tribunales sin recompensa. En el caso Orkesumet el Funcionario Ejecutivo de la aldea, quien se había ofrecido a testimoniar en nombre de los aldeanos, ahora ha sido privado de su puesto y se le ha acusado de cargos criminales espúreos. Tales complicaciones, además de las tensiones de las demoras, ponen a prueba la paciencia de los donantes, quienes encuentran difícil ver sus fondos consumirse sin un resultado positivo y luego tener que enfrentar solicitudes de mayor financiación.

Nueva política de tierras y legislación básica de tierras

La probabilidad de decisiones justas en estos y otros casos depende todavía, probablemente, de la voluntad política de los políticos de más experiencia y la confianza de los jueces para juzgar en contra del gobierno. Mucho dependerá también de la interpretación y la aplicación de la nueva política de tierras y de una legislación básica de tierras que actualmente está siendo redactada. Existen indicaciones de que a pesar de la tendencia a la promoción de la propiedad privada, habrá también un ámbito para el registro de títulos grupales a la tierra que tendrá un beneficio potencial para los detentadores de tenencia de tierra comunal, como los pastores y los cazadores-recolectores. Sin embargo, tal como sugiere la experiencia en Kenia, la privatización de la tierra tiende a favorecer a los intereses poderosos y ricos a expensas de las minorías y los grupos marginados. Los abogados están acusando al gobierno de negar el tiempo suficiente para una consulta minuciosa y para un debate público sobre su contenido. Existen también demandas de que la ley sea traducida al kiswahili para que los habitantes locales puedan comprender lo que se propone y lo puedan discutir. La investidura de tanta autoridad al Comisionado de Tierras es de preocupación general a causa del potencial de un continuo otorgamiento arbitrario de tierras sin el consentimiento de los habitantes locales.

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Conflicto de intereses en Ngorongoro

Los informes del "boom" de la industria turística pueden ser malas noticias para aquellos maasai que viven cerca de las áreas protegidas para la conservación de la fauna. Esto es de particular preocupación para los residentes indígenas del Área de Conservación de Ngorongoro, quienes alegan que el Plan General de Manejo, recientemente impuesto, está siendo impuesto sin su consentimiento. La implementación del plan implica el restablecimiento de una prohibición de los cultivos a pesar de la evidencia que muestra que tiene como resultado la desnutrición de los niños maasai, y la continuada negación del otorgamiento de derechos de propiedad a los residentes a pesar de la emisión de arrendamientos a los hoteleros. No obstante, estas cuestiones pueden ser eventualmente resueltas cuando los residentes formen una única organización que represente sus intereses. Las perspectivas de ésto han sido mejoradas por el apoyo de la ayuda danesa a esta iniciativa con el patrocinio del Primer Ministro tanzaniano, y la supresión de una prohibición sobre el registro de ONGs locales, la cual, dijo el Vicepresidente, sólo fue impuesta temporariamente para controlar a las organizaciones existentes y asegurar de que estuvieran beneficiando directamente a sus miembros.

Organización barabaig en confusión

La formación de la primera organización barabaig fue posible gracias al acuerdo con KIPOC - la ONG maasai con sede en Loliondo, al norte del distrito de Ngorongoro. Al vincularse con KIPOC, los barabaig pudieron evadir los obstáculos burocráticos puestos en su camino por las autoridades del distrito de Hanang. El Programa Barabaig KIPOC se unió a PINGOs - un consorcio de ONGs pastoras. Los barabaig han formado ahora su propia ONG, Bulgalda, y han tratado de representar los intereses barabaig en el distrito. Desafortunadamente, tienen poco éxito debi a las luchas entre fracciones dentro de Bulgalda. Esta ha sido causada por un apoyo selectivo de los donantes y las actividades de intereses externos destructivos que desean que Bulgalda fracase, para así beneficiarse de los 4 millones de dólares canadienses otorgados por los canadienses (CIDA) para el desarrollo comunitario en el distrito de Hanang, después de su retirada del Programa Triguero Tanzania-Canadá. Bulgalda se ha dividido y se ha retirado de PINGOs. No ha logrado presentarse como un conducto viable para la ayuda

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canadiense y los fondos han sido retenidos hasta el momento, a pesar de la imperiosa necesidad de la población del distrito.

Los hazda y los derechos de caza

Los cazadores-recolectores, como los pastores, están sufriendo en forma similar a causa de la inseguridad de la tenencia de la tierra. Sin embargo, mientras que los pastores están fundamentalmente interesados en los derechos a las pasturas, el agua y la sal de su tierra, los cazadores-recolectores están más interesados en los animales salvajes que viven en su tierra. Esta distinción ha sido puesta de relieve por el otorgamiento de derechos de caza en dos diferentes localidades. Como los maasai de Loliondo, división norte del Parque Nacional Serengeti, los *hadza* de la aldea de Mongo-wa-mono, en la cuenca del lago Eyasi, han sido víctimas del otorgamiento de tierras a cazadores. Mientras que los maasai están afligidos por el hecho de que los cazadores árabes puedan deambular y cazar en la tierra de sus seis aldeas, los hadza de Mongo-wa-mono han podido adquirir el título de sus tierras, pero perdieron los derechos al recurso de la fauna, que es el que más valoran. Informes provenientes de Mongo-wa-mono sugieren que los cazadores están matando animales salvajes en forma indiscriminada y eliminando así la fuente de alimentos más importante de los hazda.

RUANDA

Las organizaciones *twa* continúan el proceso de auto-organización. Fue creada una organización coordinadora CAURWA (Communauté des Authochtones Rwandais) para coordinar el trabajo de los tres principales grupos twa, la "Association pour la Promotion Batwa" (APB), la "Association pour le Developpement Global des Batwa du Rwanda" (ADBR) y la "Association pour la Protection des Enfants non-Accompagnés en Detresse" (APEDE). La nueva organización ha comenzado un programa de capacitación y fortalecimiento organizacional con el apoyo del Programa para los Pueblos del Bosque del Movimiento Mundial para los Bosques Tropicales. Esto implica el desarrollo de sistemas de tomas de decisión, gestión y administración financiera, así como también la realización de proyectos generadores de ingreso a pequeña escala, tal como los "bancos de cabras", la revitalización de la industria artesanal de alfarería y la explotación minera de la casiterita.

Los grupos twa organizaron también una exitosa Mesa Redonda en enero de 1997, con el apoyo de la Operación de Campo de las Naciones Unidas por los Derechos Humanos en Ruanda (UNHRFOR). Esta reunión juntó a twa de diferentes regiones de Ruanda, funcionarios gubernamentales y representantes de agencias de ayuda y desarrollo. Entre los grupos de apoyo a los indígenas estaba el Programa para los Pueblos del Bosque, representado por el Profesor James Woodburn. El objetivo de la reunión era presentar la actual situación de los twa y discutir cómo el gobierno y las agencias de ayuda planean encarar las dificultades que enfrentan los twa. La reunión tuvo como resultado las siguientes resoluciones.

1. Temas relacionados con la economía

Tierra.

La Mesa Redonda destacó que los *batwa* nunca han poseído tierra. El Gobierno de Unidad Nacional debería otorgarles áreas de tierra y ayudarlos a construir casas en un contexto de vida común en grupos.

Empleo.

La Mesa Redonda destacó que durante un largo período los exregímenes en el poder nunca favorecieron la participación de los batwa en la elaboración de la política pública. La Mesa Redonda requiere que el Gobierno de Unidad Nacional emplee a los batwa que gozan de una educación en la Administración (por ejemplo, como Ministros, Prefectores, Alcaldes, etc.)

Mercados.

La Mesa Redonda requiere que el Ministro de Comercio, Trabajo e Industria promueva las artesanías batwa y otorgue a los batwa un sitio apropiado para la comercialización de sus productos y facilite su participación en ferias comerciales, tanto a nivel nacional como internacional.

Cultura.

La Mesa Redonda requiere que el Estado done un lugar a la APB para la construcción de un centro cultural porque el sitio en Remera que la APB ha obtenido ha sido apropiado por otra gente.

2. Temas relativos a asuntos sociales.

a) Las relaciones sociales de los ruandeses en el Estado de Unidad Nacional.

La Mesa Redonda requiere que las consecuencias de la denigración política y la marginación de los batwa sean extirpadas para promover una cultura de paz y cohabitación pacífica.

b) Reconciliación Nacional.

La Mesa Redonda desea que se celebre una Conferencia Nacional que reúna a todos los grupos sociales (grupos étnicos) para discutir los problemas subyacentes a su división social y para encontrar remedios. La Mesa Redonda requiere que se implemente un sistema de sana justicia en todo el país. La Mesa Redonda requiere que la gente sea abierta y tenga confianza en sus tratativas con los otros.

c) Educación.

La Mesa Redonda requiere que la educación de los niños batwa sea tratada como parte de la política general para grupos vulnerables (sobrevivientes, huérfanos, etc.) en relación a los temas de los gastos escolares, uniformes escolares, material educativo, etc.

d) Asociaciones.

La Mesa Redonda requiere que el Ministro de la Juventud y las Cooperativas intervengan junto con diferentes agencias de financiamiento para que las Asociaciones batwa puedan resultar beneficiadas con ayuda material, financiera y social. Las organizaciones batwa deberían ser ayudadas para que tomaran contacto con organizaciones no-gubernamentales (ONGs) y con asociaciones nacionales y extranjeras.

La Mesa Redonda requiere que el Ministro para el Desarrollo de la Familia y las Mujeres, y otras asociaciones que trabajan con el desarrollo de la mujer, trabajen con las mujeres ruandesas que todavía están en un estado de ignorancia (por ejemplo, las mujeres batwa).

3. Temas relativos a la justicia.

a) La Mesa Redonda requiere que las autoridades judiciales verifiquen cuidadosamente las investigaciones que han sido realizadas en relación a los batwa acusados de genocidio para evitar la condena de aquellos que no son culpables.

b) La Mesa Redonda solicita al Estado asistencia legal (abogados) para los batwa porque éstos no disponen de los medios para procurarse abogados por sí mismos. La Mesa Redonda solicita al Estado que acelere la investigación sobre los batwa acusados de estar implicados en genocidio.

La Mesa Redonda requiere que el Estado evite los arrestos arbitrarios e ilegales de batwa.

c) La Mesa Redonda requiere que el Estado busque a todos aquellos que masacraron batwa durante los años 1990-1994 para obtener compensación para las familias de las víctimas de estas masacres (por ejemplo, en el caso de los sectores de Gitarama, Kigoma, Gahombto).

d) La Mesa Redonda requiere que el Estado proteja y defienda a la minoría batwa ya que Ruanda se encuentra entre los países que han ratificado el convenio para la protección de las minorías de acuerdo con los Derechos Humanos Internacionales.

Contactos regionales.
La Alianza Internacional de Pueblos Indígenas y Tribales de los Bosques Tropicales trata de promover una serie de seminarios regionales en Africa occidental, central y oriental, que conduzcan a una conferencia de pueblos indígenas y tribales africanos de los bosques, a celebrarse en 1998, y que tratará sobre los derechos indígenas, el uso sustentable de los recursos y la protección de los bosques. El proyecto está siendo organizado por los organismos coordinadores regionales de la Alianza en Africa - la Organización por los Derechos Étnicos Minoritarios de Africa, Nigeria y la "Association pour la Promotion Batwa", Ruanda, en asociación con el Programa de Desarrollo KINNAPA, Tanzania.

BOTSWANA

En 1966, la cuestión del Kalahari Central fue centro de la atención internacional, y en noviembre, falleció John Hardbattle, fundador de la organización "El Pueblo Originario del Kalahari" y su vocero por excelencia. El Fondo de Desarrollo Kuru fue reorganizado, la Universidad de Botswana comenzó un programa de Investigación Basarwa, y una nueva organización, WIMSA, subrayó la dimensión regional de la emancipación *kwe*.

La Reserva de la Fauna del Kalahari Central (CKGR)

Los antecedentes más detallados de esta controversia fueron documentados plenamente en *El Mundo Indígena 1995-96*. Existen tres dimensiones en el problema:

1) ¿El asentamiento humano y la conservación de la fauna son compatibles, o se debería trasladar a los seres humanos fuera de la Reserva de la Fauna para salvaguardar un turismo potencial?

2) ¿Es económicamente prohibitivo brindar un mínimo de servicios públicos a la gente que vive dentro de la Reserva, o deben ser trasladados fuera de la misma para obtener los beneficios del desarrollo?

3) ¿Cuál es el procedimiento adecuado para tomar decisiones sobre estas cuestiones? ¿Bajo cuáles circunstancias puede el interés nacional, representado por el gobierno, hacer caso omiso de los intereses de un grupo de personas que han ocupado y usado esta tierra tradicional desde tiempos inmemoriales?

Mientras que las dos primeras cuestiones podrían ser debatidas, y se podrían encontrar compromisos en términos de 1) restricciones a las actividades económicas incompatibles con la fauna, y 2) establecer un equilibrio entre los servicios provistos dentro de la CKGR y los servicios accesibles en el exterior; la tercera dimensión ubica la cuestión de la CKGR en el centro del debate internacional contemporáneo referente a los derechos de los pueblos indígenas. Evoca la cuestión de los derechos territoriales, y evoca la cuestión de la justicia. En tanto que esta dimensión del problema no sea reconocida y encarada, será difícil encontrar soluciones sustentables para las otras cuestiones.

La cuestión de los asentamientos dentro del Kalahari Central ha sido presentada por el Gobierno de Botswana de tiempo en tiempo, pero con más persistencia en 1996. En febrero, elevados funcionarios gubernamentales visitaron el principal poblado, !Xade, y se realizaron visitas de seguimiento a éste y otros poblados. Hay informes contradictorios sobre qué se dijo realmente en esas ocasiones, pero es bastante claro que para los habitantes de CKGR las declaraciones de los funcionarios fueron *percibidas* como una extrema presión para que se fueran de la Reserva.

Por esta razón, John Hardbattle y Roy Sesana presentaron el caso a la comunidad internacional, a través de viajes y titulares de

¿A punto de ser reasentadas? Niñas kwe (bosquimanas) en la Reserva de la Fauna del Kalahari Central (Botswana). (Foto: Diana Vinding)

periódicos, logrando expresiones de preocupación de parte de, p. ej., el Comité de Relaciones Exteriores del Senado de los EE.UU. y el Príncipe Carlos de Gran Bretaña, y de una gran cantidad de organizaciones indígenas y ONGs. En marzo, el tema fue presentado ante la Comisión de Derechos Humanos de las Naciones Unidas, en Ginebra.

A fines de mayo, el Comisionado del Distrito de Ghanzi aseguró a los embajadores de Dinamarca, Noruega, EE.UU. y al Alto Comisionado Británico, que las autoridades de Botswana no tenían ninguna intención de trasladar en forma forzada a ningún habitante de la Reserva, y que las necesidades básicas seguirían siendo provistas tanto dentro como fuera de la Reserva.

No obstante, ha continuado la planificación de asentamientos fuera de la CKGR. El actual enfoque es usar una zanahoria, no un palo: la gente es encarada en forma individual y se les hacen promesas en términos de provisión de servicios y compensación

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monetaria y en especies para aquellos que estén dispuestos a trasladarse. Naturalmente, en una población desesperadamente pobre, algunas personas encuentran que las ofertas son atrayentes. Mientras que la posición oficial es que nadie es forzado a trasladarse, los documentos de planificación se refieren invariablemente a la "decisión de reasentar" a la población, por parte del gobierno.

Todas las evidencias accesibles sugieren que los *g/wi* y los *g//ana* pueden demostrar una ocupación colectiva ininterrumpida, sin haber nunca renunciado, cedido o enajenado de otra manera sus derechos. De acuerdo a la jurisprudencia internacional moderna, tal como está codificada en el Convenio 196 de la OIT, ellos tienen un título aborigen de la tierra.

Botswana no ha ratificado el convenio de la OIT, y por lo tanto no está obligada por el mismo. Pero la cuestión básica sigue en pie: ¿bajo qué circunstancias pueden los vínculos colectivos con la tierra tradicionalmente ocupada ser aprovechados por individuos, quienes reciben compensación en una base individual?

La organización El Pueblo Originario del Kalahari (FPK) está trabajando actualmente con la gente de la Reserva, facilitando el establecimiento de grupos funcionales que puedan reflejar adecuadamente la opinión de la población. Se está introduciendo y discutiendo un concepto de ecoturismo. Los principios internacionalmente reconocidos que deberían seguirse en cualquier caso de reasentamiento son explicados por asesores legales.

John Hardbattle - in memoriam

John Hardbattle ha sido una figura central en este proceso, con su dominio único de las lenguas y las culturas naro e inglesa, vinculó dos mundos y se transformó en un vocero excepcionalmente enérgico y en un traductor en el más amplio sentido de la palabra. Él será recordado por sus visiones con respecto a un futuro mejor para los *n/oakwe*, su dedicación a la ardua tarea de construir una organización de interés, - y por sus amables maneras y su risa contagiosa, incluso bajo las circunstancias más exigentes.

Su muerte deja un vacío. FPK necesitará inevitablemente reajustes que reflejen un cambio en la dirección. Pero no existe ningún indicio de que haya disminuido la determinación de continuar como una organización de interés para las comunidades n/oakwe.

El gobierno ha viajado al extranjero para defender su política, pero hasta ahora no existen indicios de iniciativas de diálogo con las

organizaciones, tal como Hardbattle pugnaba. La burocracia parece desviar su atención de las cuestiones de principio para concentrarse en los individuos, cometiendo a veces "asesinatos de personalidad", imputando que figuras prominentes han estado trabajando en su propio interés, aprovechándose injustamente del dinero de las agencias de ayuda y divulgando falsa información sobre la política del gobierno. La política hacia los basarwa es por lo tanto, *ad hoc*, reaccionando frente a los temas en la medida en que surgen, sin prever las cosas.

El Fondo de Desarrollo Kuru (KDT)

Mientras que FPK, al ser una organización de interés, está encarando los temas políticamente sensibles, el Fondo de Desarrollo Kuru ha pasado por un proceso de reorganización para hacerlo más eficiente como una organización de desarrollo de base comunitaria. El fondo está estableciendo un Programa de Ayuda al Desarrollo Rural de Propiedad Comunitaria, con miras a brindar servicios a organizaciones comunitarias locales independientes en todo el distrito de Ghanzi, y más allá del mismo. La estructura pide a cada grupo/comunidad participante que forme su propia organización, se una a un programa de ahorros, y asista a cursos de capacitación apropiados. El KDT funcionará como una organización de ayuda, proveyendo contabilidad, capacitación y asistencia comercial. El objetivo general es desarrollar organizaciones comunitarias de autosuficiencia que tengan la capacidad de definir, dirigir e implementar el propio desarrollo de la comunidad.

El proceso es reforzado por el establecimiento de WIMSA, un Grupo de Trabajo de Minorías Indígenas en el sur de Africa, el cual tiene como objetivo facilitar el contacto entre los grupos y comunidades nacionales. WIMSA tiene una oficina coordinadora en Windhoek, y trabaja con el Consejo San de Líderes Tradicionales en Namibia, el Instituto San de Sudáfrica y Kuru en Botswana.

Otras actividades

Una exposición montada en la Galería Nacional de Sudáfrica, llamada *Un papel que no corresponde: negociar la historia y la cultura material khoisan*, en abril de 1996, examinó los tipos de relaciones establecidas entre las comunidades khoisan y los europeos que llegaron para ocupar sus tierras, y causó mucha polémica. Mediante el uso de fotografías, documentos y artefactos se recapi-

tuló el destino de los *bosquimanos* caracterizándolos como "atiborrados, desollados, marcados, desposeídos, expuestos, explotados, examinados, cazados, medidos y controlados".

Si bien el objetivo de la exposición era crear consciencia y generar nuevo interés y comprensión por los sufrimientos de los khoisan, muchos sintieron que la descripción de un pasado humillante sirve fácilmente para perpetuar esta humillación. Tal como lo expresó un titular de periódico, esto era "corregir la historia - ¿u otra oportunidad para abrir la boca?".

Sin embargo, el encuentro de organizaciones de Namibia, Botswana y Sudáfrica, ocasionado por este evento particular, constituyó parte de un proceso de toma de consciencia y movilización de considerable importancia, y sirvió para fortalecer los vínculos internacionales, tan importantes en los alegatos del caso del Kalahari Central, y promovido también por el proyecto de red de trabajo de WIMSA.

Reflejando algo de la misma nueva consciencia del amplio tema de los pueblos indígenas de Africa del sur, la Universidad de Botswana ha lanzado un Programa para la Investigación Basarwa en colaboración con la Universidad de Tromsoe, Noruega, financiado por un subsidio noruego para la cooperación universitaria. El programa tiene como objetivo promover una red de trabajo de investigadores de la región, e identificar formas mediante las cuales la investigación pueda contribuir positivamente al desarrollo basarwa-n/oakwe.

NAMIBIA

Ju/'hoansi de Nyae Nyae (san, bushmen)

La Cooperativa de Granjeros de Nyae Nyae (NNFC), que representa a los *ju/'hoansi* de Nyae Nyae (ex Bushmanland Oriental), ha adquirido más y más fuerza durante los últimos 3 años. El objetivo general de NNFC es garantizar los derechos a la tierra y mejorar la calidad de vida de los ju/'hoansi a través de diversos medios, como la utilización y el manejo sustentable de los recursos naturales, el incremento de la producción de alimentos e ingresos. Durante los últimos 11 años, junto con la Fundación de Desarrollo de Nyae Nyae de Namibia (NNDFN), se ha implementado un programa integrado de desarrollo rural (IRDP). El principal objetivo del IRDP es que NNFC se convierta en autosuficiente y que todos los

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programas logren la sustentabilidad en términos de financiación de agencias cooperadoras y lograr la capacitación necesaria para implementar los programas.

Actualmente, NNFC es la más importante fuerza motora de todos los programas, con el apoyo, asesoramiento y capacitación facilitados por NNDFN. NNFC emerge como contraparte equiparada en el trato con otras ONGs, cooperadores, visitantes y ministerios del gobierno. NNFC está administrando cinco programas principales, a saber:

Generación de Ingresos - el objetivo general es generar ingresos para y dentro de la comunidad de Nyae Nyae para aumentar la autosuficiencia. El programa incluye la compra de artesanías en las aldeas, implementado en conjunción con una tienda móvil. Las artesanías son luego enviadas a Windhoek para su comercialización.

Manejo de Recursos Naturales Basado en la Comunidad - monitorea y maneja los recursos naturales, la agricultura a nivel de subsistencia, y la capacitación de los guardias comunitarios. El objetivo general es aumentar la producción de alimentos y el ingreso, que resultará en una mejora de la calidad de vida para la comunidad a través del manejo y uso sustentable de los recursos naturales.

Proyecto de Escuelas Aldeanas - el objetivo general es que los niños de Nyae Nyae tengan acceso a la educación en su lengua materna (ju/'hoansi) durante los primeros 3 años. Se han establecido 5 Escuelas Aldeanas en Nyae Nyae. El principal objetivo ha sido la capacitación de estudiantes para maestros ju/'hoansi, y la elaboración de material educativo en ju/'hoansi e inglés. Las escuelas han sido registradas como escuelas semi-privadas con la idea de que las escuelas reciban el auspicio y queden bajo la responsabilidad del Ministerio de Educación Básica y Cultura en un futuro próximo.

Seminario Técnico - el principal objetivo del seminario es ser capaz de mantener los existentes sistemas técnicos en Nyae Nyae, y convertirse en una empresa viable, ofreciendo servicios técnicos a otros pueblos y organizaciones. La capacitación incluye lo siguiente: mantenimiento básico de vehículos y reparaciones, mantenimiento de los pozos, incluyendo bombas alimentadas con energía solar, fabricación de metal y madera, diversos aspectos pertinentes a la administración de pequeñas empresas.

Desarrollo Institucional - el principal objetivo ha sido fortalecer la capacidad institucional de NNFC. La Dirección de NNFC, la Junta Directiva y el personal han recibido capacitación en el mane-

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jo de una organización efectiva, incluyendo manejo de personal, comunicación y administración de programas/empresas.

Todos estos programas tienen un fuerte componente de capacitación con el objetivo fundamental de la autosuficiencia y la sustentabilidad.

NNFC tiene un buena relación de trabajo con todos los ministerios del gobierno. El gobierno también identificó y reconoció que los *san* son el grupo más marginado de Namibia y necesita una atención especial.

Nyae Nyae es una de las restantes áreas comunales de Namibia que dispone de una abundante fauna y lugares con potencial turístico. Históricamente, a las comunidades que viven en las áreas comunales no se les permitía beneficiarse de la fauna, la cual destruía algunos de sus cultivos, y compartía los magros recursos con el ganado. En las áreas de agricultura comercial, a los agricultores se les otorgó el derecho de utilizar la fauna. El 4 de junio de 1996, el parlamento de Namibia promulgó un Proyecto de Legislación para la Conservación, permitiendo la formación de juntas de conservación en áreas comunales. Esto otorgará a las comunidades que vivan en áreas comunales el derecho de utilizar la fauna mediante la formación de consejos de conservación y fauna, lo cual facilitará el retorno a la comunidad de los beneficios societales y económicos derivados del manejo sustentable de los recursos naturales.

La comunidad de Nyae Nyae, durante la reunión RADA de mayo de 1996, decidió formar una junta para la conservación.

Durante el año pasado el personal ju/'hoansi ha ganado más confianza en sus capacidades y goza de una buena comprensión de la dirección de los programas. NNFC continuará recibiendo capacitación en todos los programas para ser capaces de manejar sus proyectos de acuerdo con sus necesidades, implementar cambios dentro de un marco cultural y desarrollar actividades que darán a la comunidad Nyae Nyae una base de ingresos independiente de la ayuda externa.

SUDÁFRICA

El tema de los asuntos indígenas está cobrando impulso en Sudáfrica. El Departamento de Relaciones Exteriores está en proceso de establecer un grupo de trabajo sobre asuntos indígenas. En el

Departamento de Desarrollo Constitucional se ha establecido una sección sobre asuntos tradicionales.

Algunos de los grupos indígenas de Sudáfrica están comprometidos activamente en reivindicaciones de tierra, especialmente tierras ancestrales. La reivindicación de tierras ancestrales del pueblo *griqua* se remonta a 1875, mientras que la legislación existente solo prevé reivindicaciones que se remontan a 1913. Esto significa que sus reivindicaciones de tierra no pueden ser atendidas en términos de la legislación existente. Por lo tanto, tienen que basar sus reivindicaciones en otras razones, lo cual hace difícil obtener una atención directa del gobierno. Sin embargo, el proceso de negociación del pueblo *khomani* de Kagga-Kamma con respecto a sus tierras ancestrales en la región del Kalahari, está progresando.

Las comunidades *!xu* y *khwe* de Schmidtsdrift lograron obtener tierra para su reasentamiento. El Ministro de Asuntos Rurales acordó la compra de unas 12.800 hectáreas de tierra cerca de Kimberley, la capital de la Provincia del Norte. Esta tierra fue registrada en el nombre de las comunidades durante septiembre de 1996. Para comprar la tierra, las comunidades tuvieron que establecer una Asociación para la Propiedad Comunal de acuerdo a los requisitos de la legislación. Esto fue hecho y se elaboró una constitución para la Asociación durante agosto de 1996 y fue aprobada en febrero de 1997 por el Ministro nacional de Asuntos Rurales. Sólo miembros de las comunidades pueden ser miembros de la Asociación. El Comité Ejecutivo de la Asociación cuenta con 30 miembros electos, quienes representan a los principales grupos de interés dentro de las comunidades.

Estos grupos de interés son los líderes tradicionales, los líderes comunitarios, hombres, mujeres, la juventud, soldados, empresarios, los ancianos, discapacitados, artistas, maestros y organizaciones eclesiásticas.

El verdadero reasentamiento de las comunidades en Platfontein, tal como se conoce el nuevo sitio, todavía no ha comenzado. La razón principal parece ser un quiebre de la comunicación con el gobierno provincial, a través de su Comité Directivo. Este comité tiene que poner a disposición fondos en términos de fórmulas prescritas por el gobierno. Los planes de desarrollo presentados por el Fondo durante marzo de 1996 en nombre de las comunidades todavía no ha sido aprobado por este comité, aunque las tierras elegidas por la comunidad fueron compradas por ellos con fondos

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provistos por el Gobierno nacional. Las razones para la demora en suministrar los fondos para el desarrollo todavía no han sido comunicadas por el Gobierno Provincial a las comunidades o al Fondo. A pesar de numerosos intentos a diversos niveles por parte del Fondo y los consejos comunitarios para resolver este tema, estos intentos no fueron totalmente exitosos.

Mientras tanto, la Asociación ha comenzado con la cría de ganado y de animales salvajes en la tierra con la ayuda de un administrador. Parte de las actividades incluyen la capacitación de miembros como criadores de ganado, guardianes de animales salvajes y personal de mantenimiento. Estos proyectos han sido hasta ahora exitosos.

El Fondo !xu y Kwe continúa con su programa de capacitación y desarrollo comunitario. Se introdujo un programa de mediación cultural con la ayuda de la cooperación internacional y se ha brindado capacitación a maestros, alumnos de escuela, líderes comunitarios y miembros del Comité Ejecutivo de la Asociación. También se brinda capacitación en administración de pequeñas empresas comerciales, y en administración de oficinas y cultivo de verduras, anticipándose al reasentamiento en Platfontein, dónde estas habilidades serán necesarias. El proyecto de arte y artesanía está también creciendo sostenidamente. En Platfontein habrá facilidades a disposición para expandir este proyecto.

PARTE II

DERECHOS INDÍGENAS

LOS PUEBLOS INDÍGENAS MANTIENEN LA DECLARACIÓN DE LA ONU INTACTA POR SEGUNDO AÑO

Por Jens Dahl y Andrew Gray

Entre el 21 de octubre y el 1 de noviembre de 1996, la Declaración de los Derechos de los Pueblos Indígenas estuvo bajo escrutinio de los miembros de la Comisión de Derechos Humanos de la ONU por segundo año. Aprobada por todos los organismos independientes de la ONU en agosto de 1994 después de 12 años de consulta con los pueblos indígenas, la Declaración ha sido elevada a través del sistema de la ONU al Grupo de Trabajo Abierto de la Comisión de Derechos Humanos, bajo control gubernamental, para su discusión en 1995. La primera sesión tuvo lugar en el mismo año y consistió de una discusión general sobre las diferentes secciones de la Declaración (ver Mundo Indígena 1995-96 por un informe sobre este tema).

El Grupo de Trabajo Abierto opera formalmente bajo las reglas restrictivas de la Comisión de Derechos Humanos, consistiendo de representantes de 53 gobiernos (otros participan como no-miembros) mientras que las ONGs con estatus consultivo ante el Consejo Económico y Social de la ONU asisten como observadores. Esto limita la participación indígena en el Grupo de Trabajo, pero al cambiar las reglas de la Comisión de Derechos Humanos en 1995, se adoptó un complicado procedimiento para permitir la asistencia de los pueblos indígenas y sus organizaciones.

Los aplicantes deben escribir al coordinador del decenio indígena en el Centro de Derechos Humanos en Ginebra, Sr. Ibrahim Fall, quien consulta con los gobiernos. Si éstos las aprueban, las solicitudes de los participantes pasan al Comité de ONGs en Nueva York, donde cada propuesta es discutida y la mayoría son aceptadas. Ciento ocho organizaciones y pueblos habían sido aprobados en octubre de 1996, aunque todavía faltaba la aprobación de nueve.

No obstante, utilizando la acreditación de ONGs con estatus consultivo frente a ECOSOC, todo aquel que desee asistir al Grupo de Trabajo, lo puede hacer. Esto significa que más de cien participantes indígenas han estado presentes en las dos reuniones del Grupo de Trabajo. En la práctica, la Presidencia interpreta las reglas de participación de la Comisión de Derechos Humanos en forma flexible, permitiendo a todos los representantes indígenas presentes hablar en cualquier punto del debate.

La reunión es celebrada en el Palacio de las Naciones en Ginebra, aunque se ha hecho costumbre la celebración de una reunión preparatoria de dos días para los representantes indígenas en el Consejo Mundial de Iglesias. Esto brinda la oportunidad a los pueblos indígenas de prepararse para el Grupo de Trabajo y constituye la base de un grupo indígena que se reúne regularmente durante las dos semanas de reuniones oficiales. Al mismo tiempo, los gobiernos se reúnen en grupo - los principales grupos son el bloque Occidental, el Latinoamericano y el Asiático. A diferencia de 1995 cuando estaban siendo formuladas las posiciones, los grupos gubernamentales no se perfilaron tan prominentemente como en 1996.

Las reuniones son físicamente organizadas en una de las grandes salas ovales del Nuevo Edificio. En el podio está el Presidente, Embajador José Urrutia de Perú, quien fue electo por los gobiernos el primer día. Extendiéndose a partir de la Presidencia se encuentran los 53 gobiernos miembros de la Comisión de Derechos Humanos (no todos los cuales asisten); un segundo grupo, más atrás en la sala, está constituido por los gobiernos que no son miembros. A estos siguen las agencias intergubernamentales (tales como la Organización Internacional del Trabajo) y las organizaciones no-gubernamentales con estatus frente a la ECOSOC. Finalmente, en las dos últimas filas se encuentran los representantes indígenas y otros observadores.

La disposición física de la reunión ilustra claramente el poder y la influencia decreciente de los participantes en el Grupo de Trabajo, siendo los representantes indígenas empujados a asientos al fondo de la sala. Los pueblos indígenas y organizaciones presentes en la reunión se han dado cuenta que solo resistiendo este marco a través de la persuasión y la acción, la Declaración podrá surgir de este proceso de escrutinio gubernamental de una forma significativa para su supervivencia.

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La creación de consenso y el trabajo de "lobby"

El Grupo de Trabajo Abierto es fundamentalmente una reunión controlada por los gobiernos, en la cual todo está contra los pueblos indígenas a causa de las reglas de procedimiento y la estructura de la ONU. No obstante, el trabajo de "lobby" y la creación de consenso son posibles a través de técnicas de discusión y persuasión que operan a varios niveles.

1. El grupo indígena:

Este grupo proviene de una idea que ha funcionado desde los años 80 en las reuniones preparatorias del Grupo de Trabajo de la Subcomisión. Originalmente patrocinadas por varias organizaciones indígenas, estas reuniones operan ahora gracias a la iniciativa y el patrocinio del representante *mohawk* Kenneth Deer, con el apoyo del Consejo Mundial de Iglesias. Este grupo brinda una importante oportunidad para elaborar estrategias previas a la reunión del Grupo de Trabajo y brinda un foro para continuar la discusión durante la misma sesión. A partir del grupo indígena, se han realizado varias importantes declaraciones unánimes que ubican claramente la perspectiva de los grupos indígenas en el ámbito del plenario.

Esto no significa que los pueblos indígenas siempre estén de acuerdo en todos los detalles. Las reuniones son intercambio de opiniones y las conclusiones surgen a través del consenso. La estrategia general indígena de defender la Declaración tal como está ha mantenido su solidez desde que el Grupo de Trabajo aprobó el texto en 1993.

El proceso de formación de consenso en el grupo no es siempre fácil. Los representantes de una diversidad tal de pueblos, cada uno con su propia historia, figuras de inspiración y estrategias culturales de supervivencia, así como relaciones específicas con los gobiernos, significa inevitablemente que cualquier forma de consenso surgirá de la flexibilidad y la capacidad de cambiar tácticas de acuerdo a la situación. Otra dificultad enfrentada por el grupo ha sido que las decisiones son tomadas en la reunión preparatoria durante el fin de semana y aquellos representantes que llegan para el Grupo de Trabajo en sí mismo se encuentran que ha sido formulada una propuesta de estrategia en base a una discusión de dos días en la cual no han participado.

A pesar de las dificultades, el grupo indígena puede trabajar sensiblemente hacia la formación de acuerdos que buscan un enfoque unitario para defender la Declaración.

2. Los gobiernos:
A fines del informe del año pasado sobre el Grupo de Trabajo publicado en el Mundo Indígena hay una guía muy esquemática referente a las posiciones de los gobiernos. Esta puede ser enmendada a la luz del trabajo de "lobby" y las discusiones entre los gobiernos y los pueblos indígenas durante el año. Sin embargo, ciertos gobiernos siguen siendo ampliamente favorables a la Declaración tal como Australia, Bolivia, Colombia, Finlandia, Dinamarca, Fiji y Noruega, mientras que otros, tales como Bangladesh, Brasil, China, Francia, Japón y los EE.UU. favorecen enmiendas sustanciales. Muchas de las negociaciones entre los gobiernos tienen lugar entre estos bloques. Los países claves son Dinamarca, Noruega y Australia por un lado y los EE. UU. y el Brasil por el otro. En el medio están Canadá y Suecia, tratando de jugar un papel mediador.

El proceso de creación de consenso entre los gobiernos tiene un modelo que puede parecer deprimente a los pueblos indígenas. Muchas de las iniciativas provienen de países más positivos y estas son gradualmente empalidecidas por la intransigencia de los países más negativos, particularmente Brasil y EE.UU. El efecto es que si los gobiernos son dejados por sí solos, el proceso de consenso significa que el resultado será rápidamente el mínimo común denominador. Esto es sumamente problemático para los pueblos indígenas que consideran que la Declaración tal como reza, ha sido ya aceptada a través de compromisos.

3. Gobiernos y pueblos indígenas:
No obstante, si bien el proceso de formación de consenso debilita las posiciones indígenas, el efecto del trabajo de "lobby" con los gobiernos puede ser beneficioso. Fuera del Grupo de Trabajo Abierto, hubieron varias iniciativas durante 1996 que fueron sumamente positivas para la reunión. En el Pacífico, se celebró en Fiji en el mes de setiembre un seminario regional sobre pueblos indígenas, en el cual el gobierno de Fiji, con el apoyo de otros estados isleños del Pacífico, apoyó la Declaración. Los pueblos indígenas de Asia se han reunido con sus gobiernos tanto en sus países como en la ONU. En América del Norte y Canadá, las consultas y los intentos indígenas de cambiar posiciones gubernamentales intransigentes han también tenido algunos efectos.

No obstante, el trabajo de "lobby" tiene sus límites porque los gobiernos son transitorios. Los cambios importantes de las políticas

nacionales pueden llevar a cambios en el apoyo de la Declaración, los cuales pueden ocurrir de un día para otro. El gobierno de Australia, por ejemplo, ha sido una influencia positiva en la reunión, pero es incierto cuánto tiempo pueden continuar con ésto con un nuevo gobierno derechista, y causa una considerable preocupación a los pueblos indígenas.

La otra forma de trabajo de "lobby" ocurre en la misma reunión. Sólo pocos pueblos indígenas hablan con los gobiernos porque muchos se sienten intimidados o inseguros en cuanto a qué decir. Sin embargo, desde la perspectiva gubernamental, parece haber un genuino deseo de hablar con los pueblos indígenas informalmente. Durante esta sesión, se organizó una serie de consultas entre los gobiernos y los representantes indígenas fuera de la reunión principal, las cuales produjeron algunos resultados. Indudablemente, los representantes indígenas se están dando cuenta gradualmente que es posible crear una relación con los delegados de los gobiernos y usan tiempo y paciencia para explicar las razones de las posiciones de los pueblos indígenas.

La reunión

La reunión de 1996 del Grupo de Trabajo consistió formalmente de una detallada discusión de la Declaración con enfoque en grupos de artículos. Sin embargo; al mismo tiempo, hubo una segunda área bajo escrutinio; la participación de los pueblos indígenas en la reunión. Los dos temas -discusión del texto, que tuvo lugar dentro del Grupo de Trabajo, y discusión de la participación, que tuvo lugar en general en reuniones informales fuera del plenario- establecieron un flujo de contrapunto de debate a dos niveles, los cuales ocasionalmente chocaron abiertamente, causando desacuerdos entre los gobiernos y los representantes indígenas.

Preocupaciones indígenas referentes a la participación:

Una importante preocupación de los pueblos indígenas es que con la Declaración encerrada en los organismos políticos de las Naciones Unidas, las previsiones progresistas para los derechos indígenas, logradas a través de larga y persistente lucha, serán removidas de la redacción por los representantes de los gobiernos estatales. Antes de la reunión, varios gobiernos amistosos dejaron en claro que el segundo año sería dedicado a buscar consenso sobre los aspectos menos polémicos de la redacción. Sin embargo, los repre-

sentantes indígenas señalaron que el desacuerdo sobre el término "pueblos" significaba por sí solo que ningún artículo en particular podría ser aprobado sin "paréntesis" o "apertura" del texto para enmiendas.

La participación se transformó así en un elemento crucial de la sesión de 1996. Los representantes gubernamentales, particularmente aquellos de los gobiernos amistosos tales como Australia, Noruega y Dinamarca, consideraron que habían logrado mucho en lo que respecta a la apertura del sistema de la ONU para los pueblos indígenas. Explicaron que por primera vez en la historia, los pueblos indígenas estaban participando en un proceso que normalmente está restringido a los gobiernos y que ésto había sido logrado a través de muchos devaneos diplomáticos contra la resistencia de los gobiernos de línea dura. Además, gracias a la buena voluntad de la Presidencia, todos los representantes indígenas que deseaban asistir y hablar en la reunión, pudieron hacerlo.

Sin embargo, ésto puso a los pueblos indígenas en un dilema. Si bien apreciaban claramente que su presencia en el Grupo de Trabajo Abierto constituía un hecho fundamental para la democratización de los procedimientos de la ONU, ésto en sí mismo planteaba otro problema. Mientras que los representantes indígenas podían participar y hablar, no había ninguna orientación clara de la Presidencia o los gobiernos sobre si sus puntos de vista sobre la Declaración serían reflejados en la toma de decisiones consensual del Grupo de Trabajo. Por lo tanto, mientras que su presencia legitimaría el proceso de discusión de la Declaración, si los gobiernos decidían unilateralmente enmendar, revisar y debilitar sustancialmente el texto, los pueblos indígenas podrían quedar fuera del consenso gubernamental. Esto significaría que una Declaración débil habría sido aprobada mediante un proceso legitimado por los pueblos indígenas.

El primer choque

A partir de esta preocupación, en la reunión preparatoria anterior al comienzo del Grupo de Trabajo, el grupo indígena estableció tres propuestas para la presentación a la reunión en el primer día:

1. Una propuesta para cambiar en la agenda que en vez de examinar grupos específicos de artículos se diera prioridad a un debate general sobre la Declaración;

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2. Una propuesta de que la Declaración fuera adoptada al final de esta discusión;

3. También sugirieron que debería haber un cambio en las reglas de procedimientos de la reunión, otorgando una participación plena y en pie de igualdad como partes de la autoridad resolutiva del Grupo de Trabajo.

Un grupo nombrado, de unos pocos representantes, había tratado infructuosamente de establecer una reunión con la Presidencia antes de la primera reunión, pero sólo lograron hablar con él durante una breve reunión informativa. La reunión fue abierta y José Urrutia fue reelecto como Presidente. Él subrayó en su primer discurso que existía una diferencia entre el texto preliminar tal cual existe ahora y la posición de los gobiernos, sin embargo, este año no habría ningún proceso de redacción. No obstante, dijo también que quería un plan de trabajo que comenzara con los artículos menos controversiales y siguiera con los puntos generales más complicados al final de la sesión. También solicitó propuestas concretas de enmiendas. El objetivo era que el informe final reflejara posiciones definidas.

El discurso fue ambiguo - por un lado no habría negociaciones o redacción del texto, sin embargo los participantes eran alentados a presentar sugerencias para la formulación de propuestas concretas. Los pueblos indígenas interpretaron ésto como que si bien no habría una redacción oficial, sería iniciado un proceso de redacción no oficial. La reunión fue levantada hasta la tarde y el grupo indígena se reunió sin la presencia de ninguna persona no-indígena.

La reunión vespertina comenzó con una declaración del grupo indígena. Moana Jackson, de los Servicios Legales Maorí, habló en nombre de los representantes indígenas, presentando tres solicitudes decididas en las reuniones preparatorias; esto implicaría un cambio de orden del día. El Presidente le agradeció, pero hizo caso omiso de la sugerencia. El Consejo Indio Internacional del Tratado habló en apoyo de la declaración indígena, pero la Presidencia respondió que consideraba la intervención indígena como un comentario, no una propuesta. Willie Littlechild de la Organización Internacional de Desarrollo de Recursos Indígenas presentó entonces la propuesta indígena en una moción formal, pero el Presidente intervino entonces para decir que sólo los gobiernos tenían el derecho de hacer mociones. Cuando el Consejo Mundial de Pue-

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blos Indígenas reiteró la propuesta de cambio del orden del día, la Presidencia lo ignoró y dijo que el Grupo de Trabajo procedería de acuerdo a su sugerencia original ya que ningún gobierno había intervenido en favor de la propuesta indígena. En ese momento todos los representantes indígenas y de las ONGs se retiraron de la sala.

La Presidencia puso en claro la situación: los pueblos indígenas podían asistir y hablar en la reunión y podían acordar con el consenso de los gobiernos, no obstante, no eran plenos participantes en pie de igualdad. No podían iniciar propuestas de discusión ni estaban en situación para oponerse al consenso de los gobiernos.

Las consecuencias de la retirada

Inmediatamente después de la retirada, una larga lista de gobiernos argumentaron por el respeto a la participación indígena en la reunión: Australia, Dinamarca, Canadá, México, Noruega, Chile, Suecia, Fiji, Nueva Zelanda, Colombia y la Federación Rusa fueron sólo algunos de los gobiernos que abogaron firmemente por entrar inmediatamente en negociaciones con los pueblos indígenas. Varios gobiernos abandonaron entonces la sala. Al final de la reunión oficial, la Presidencia expresó que se reuniría con los representantes indígenas, pero antes quería que le explicaran por qué estaban insatisfechos con el proceso.

El grupo indígena acordó hablar con la Presidencia a la mañana siguiente, y entonces se le presentaron las tres demandas. Su respuesta fue que no tenía problemas con un cambio del orden del día, de tal manera que se procediera primero a una discusión general, mientas que los artículos serían discutidos de acuerdo al orden del día aprobado. Si bien prometió también aplicar un procedimiento flexible para la participación de los representantes indígenas, no estaba en una posición como para ser capaz de cambiar las reglas y procedimientos establecidos por ECOSOC. Además, no podía pedir al Grupo de Trabajo adoptar la Declaración. Sin embargo, el Presidente subrayó que no habría más redacción o modificación de la Declaración en la reunión de este año del Grupo de Trabajo, sólo una discusión abierta de todos los artículos.

El grupo indígena debatió larga y arduamente sobre cómo responder. Mientras que todos estaban de acuerdo con la estrategia general de defender la Declaración, pugnando por una plena e igual participación en la reunión y no abrir el texto para la negociación, algunos pensaban que ésto debería lograrse retirándose del plenario.

Los grupos que abogaban por la retirada, fundamentalmente los Estados Unidos, Canadá y Nueva Zelanda pensaban que la Presidencia no había encarado sus problemas reales. Reconocían que la Declaración no sería adoptada en esta sesión y aceptaban que la Presidencia hubiera aclarado finalmente que no habría discusión de enmiendas sugeridas al texto este año; no obstante pensaban que una participación plena y en pie de igualdad era algo que podría seguir discutiéndose y que un leve cambio de actitud de la Presidencia sería suficiente para que volvieran a la sala. La preocupación estaba basada en el dilema de que si retornaban a la sala sin una adecuada participación, serían hechos responsables frente a los ojos indígenas de una Declaración revisada sobre la cual no habían tenido parte en el proceso de toma de decisiones.

El segundo grupo, consistente principalmente de pueblos indígenas de Australia, el Ártico, Rusia, Africa, América Latina y Asia acordaron con la posesión antedicha, sin embargo pensaban que la reunión continuaba y discutiría la Declaración. Mientras que ellos quedaban afuera, sólo las posiciones de los gobiernos se verían reflejadas en el informe y nadie estaría presente para defender el texto. Sin nadie en la sala, pensaban, nadie podría asegurar que los gobierno no apilaran argumentos abogando por la modificación del texto. Preferían estar en la sala argumentando y debatiendo.

Inicialmente, los defensores de estas dos posiciones tenían posiciones definidas. La delegación indígena australiana volvió a la sala el martes de tarde para realizar una fuerte declaración afirmando las tres demandas del grupo indígena. Mientras tanto, el grupo indígena preparaba una declaración conjunta que fue presentada al día siguiente (miércoles). Esta declaración explicaba que los representantes indígenas sentían que no tenían posibilidad de influir en la finalización del orden del día, habían deseado una discusión general sobre la adopción de la Declaración y querían iniciar un proceso por la plena e igual participación de los pueblos indígenas. El informe final del Grupo de Trabajo debe tener la plena participación y consentimiento de los pueblos indígenas, incluyendo una recomendación de la Comisión de Derechos Humanos para garantizar la plena participación de los pueblos indígenas. Esto fue seguido por una cantidad importante de oradores indígenas de todas las regiones, apoyando la declaración del grupo.

Sólo Australia y Dinamarca respondieron inmediatamente a la declaración del grupo indígena. La Presidencia abrió entonces la

discusión para el debate general y se pidió a los gobiernos encarar la cuestión planteada. Hablaron unos 12 gobiernos. Algunos en favor de una plena adopción del texto (Dinamarca, Fiji, Bolivia) y otros muy favorablemente, reconociendo los derechos de autodeterminación, pero quizás con cambios menores en algunas partes de la redacción (Noruega, Suecia, Finlandia, Australia). Ningún gobierno habló contra la Declaración preliminar. Sin embargo, la cuestión de la participación no fue encarada.

El jueves, el grupo indígena hizo sólo un intento de hablar con la Presidencia sobre la plena e igual participación. El intento fue hecho a través del representante del gobierno de Bolivia quien se había ofrecido a abrir un diálogo directo con la Presidencia sobre este tema; pero las conversaciones durante la tarde se vieron interrumpidas porque la Presidencia quería una propuesta formal por parte de los gobiernos. No obstante, si bien dejó en claro que no cambiaría las reglas de procedimiento, prometió ser flexible en relación a las declaraciones de los pueblos indígenas e incluir cualquier cosa que solicitaran en el informe.

Los representantes indígenas se reunieron en grupo en la tarde para analizar esta respuesta. Todos acordaron que la Presidencia había avanzado en la discusión general de la Declaración y la flexible interpretación de las reglas del Grupo de Trabajo. No obstante, la mayoría de las delegaciones indígenas norteamericanas y neozelandesas consideraron que ésto no respondía suficientemente a sus demandas de discutir el establecimiento de una plena e igual participación de los pueblos indígenas en la reunión. Otros, de Asia, Africa, el Ártico y América Latina pensaban que ahora había una pequeña apertura para cambiar las reglas del Grupo de Trabajo el año próximo. El primer grupo decidió finalmente abandonar la sesión pero seguir monitoreándola desde el exterior, mientras que los otros acordaron entrar a la reunión y defender la Declaración desde adentro.

El viernes, los representantes indígenas que se retiraban de la sesión realizaron declaraciones al plenario explicando sus razones. Cada delegado que se retiraba explicó que la plena y efectiva participación de los pueblos indígenas en el Grupo de Trabajo es esencial y que siguen pidiendo cambios o enmiendas a las reglas de la reunión. Ellos consideran que la Declaración es la norma mínima de derechos de los pueblos indígenas. Todos dijeron que la retirada no significaba cerrar toda futura participación si las reglas son

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cambiadas y que monitorearían el proceso del Grupo de Trabajo. Estas declaraciones fueron apoyadas por aquellos que permanecieron en la sala y se hizo una sugerencia de que los gobiernos tomaran seriamente los pedidos de plena e igual participación y permitieran consultas durante la segunda semana. El gobierno de Australia estuvo de acuerdo y las discusiones sobre participación pasaron a otra etapa.

Investigación sobre reglas y procedimientos de la ONU

Durante el período de discusiones entre la Presidencia y el grupo indígena, varios abogados investigaron las reglas de ECOSOC. En una reunión informativa el viernes a la tarde, Tony Simpson y Augusto Willemsen Días explicaron que las reglas de procedimiento para el Grupo de Trabajo tienen tres niveles.

1. Las reglas básicas de procedimientos, de acuerdo a las cuales las ONGs pueden ser acreditadas a las reuniones, dicen que los participantes no-gubernamentales pueden hablar pero no tomar parte en las decisiones. Esto se encuentra en las Reglas 75 y 76 de las Reglas de Procedimiento de las comisiones funcionales de ECOSOC (que incluyen a la Comisión de Derechos Humanos) y los párrafos 31 & 33 de la Resolución 1296 de ECOSOC.

2. Sin embargo, una resolución especial de la Comisión de Derechos Humanos (Resolución 1995/32 Artículos 6 & 7) conocida como "legislación implementadora del Grupo de Trabajo" fue aprobada para crear el Grupo de Trabajo Abierto y según la misma las organizaciones y pueblos no acreditados en ECOSOC podían solicitar acreditación a la reunión. No obstante, la resolución no declaró si estas ONGs tenían o no el derecho de hablar o participar en la toma de resoluciones.

3. En 1996 la Resolución de ECOSOC 1296 fue puesta al día en forma de la Resolución E/1996/31 (L.25), la cual introdujo un tercer nivel de procedimientos. En el párrafo 35 dice: "Las organizaciones en general con estatus consultivo y estatus consultivo especial pueden designar representantes autorizados a estar presentes como observadores en las reuniones públicas de las comisiones y otros organismos subsidiarios del Consejo. Las Organizaciones de la Lista pueden tener representantes presentes en aquellas reuniones que estén encargadas de temas dentro de su esfera de competencia. Estos arreglos de asistencia pueden ser suplementados incluyendo

otras modalidades de participación". La última cláusula ha sido subrayada, porque en esta frase, las reglas han brindado un apertura que otorga la posibilidad de abrir la reunión de tal manera que los pueblos indígenas puedan participar plena e igualmente. No obstante, ésto sólo puede tener lugar con el acuerdo de la Presidencia y los miembros del Grupo de Trabajo.

Esta discusión fue crítica porque, a pesar de las complejidades del uso de las reglas de la ONU, brinda al grupo indígena un marco para un futuro trabajo de "lobby". Por otro lado, continuarán presionando a la Presidencia y a los gobiernos para que suplementen los acuerdos existentes con otras "modalidades de participación", mientras que al mismo tiempo llevan la cuestión a la misma Comisión de Derechos Humanos para ver si estas reglas pueden ser cambiadas a través de un proceso a largo plazo de discusión y trabajo de "lobby".

Consulta con los gobiernos

El lunes de la segunda semana, el grupo indígena estaba pronto para comenzar las consultas con los gobiernos. La presidencia suspendió la reunión plenaria durante una hora para permitir una discusión informal pero también agregó que la reunión no sería reflejada en el informe final. Los representantes del grupo indígena hicieron la primera presentación y alegaron que en el espíritu de la cooperación, tanto los gobiernos como los pueblos indígenas deberían acordar un proceso de procedimientos prácticos para facilitar el trabajo conjunto a través de una plena e igual participación que permita un proceso de toma de decisiones que implique un pleno consenso de todos aquellos presentes. Los pueblos indígenas quieren tener un papel en la fijación de la agenda y la toma de decisiones del organismos. Esto asegurará que nada pueda ser decidido sin el pleno e informado consentimiento de los pueblos indígenas. Fueron identificadas varias áreas:

1. Formulación y adopción de la agenda de trabajo
2. Redacción y adopción del informe
3. Discusión y deliberación del texto de la Declaración
4. Planificación de las actividades intersesionales
5. Cualquier otro tema

Los representantes indígenas de todas partes del mundo apoyaron estas propuestas.

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Varios representantes indígenas expresaron también preocupación sobre el procedimiento de acreditación que significó que a algunas organizaciones no les era permitida oficialmente la participación.

Varios gobiernos respondieron. Australia y otros gobiernos amistosos dijeron que existía el deseo de que los pueblos indígenas participaran en una base de igualdad y que debería comenzarse un proceso para decidir procedimientos con anticipación. Noruega propuso que se encontraran procedimientos prácticos para asegurar la plena participación. Canadá argumentó a favor de la flexibilidad y contra el forzar el lenguaje de la Declaración contra el deseo de los participantes. Dinamarca estuvo de acuerdo en que la reunión debería ser plenamente flexible, y también dijo que estos asuntos deberían ser tratados también en la Comisión de Derechos Humanos.

La conclusión de la reunión fue que en el futuro, todos trabajarían hacia un consenso. Se decidió que deberían tener lugar más consultas entre gobiernos y pueblos indígenas y en la mañana del miércoles se celebró otra reunión a la cual asistieron el grupo indígena y representantes de los gobiernos de Canadá, Australia, Dinamarca, Suecia, India, Perú, Fiji, Malasia, Brasil y los EE.UU.

La atmósfera de la reunión fue cordial y se continuó la discusión previa. Se hicieron varias propuestas, con las cuales acordaron la mayoría de los participantes. La primera era que en la próxima sesión de la Comisión de Derechos Humanos se debería tomar una resolución para establecer procedimientos para el próximo Grupo de Trabajo. La segunda era que debería celebrarse una reunión técnica antes del próximo Grupo de Trabajo para discutir y acordar los procedimientos con anticipación. Los gobiernos estuvieron en principio de acuerdo con estas ideas. Entre todos los comentarios positivos dirigidos a la Presidencia del Grupo de Trabajo, quedaba claro que algunos gobiernos y el grupo indígena pensaban que podría haber tratado los momentos sensibles de la reunión más abierta y constructivamente. Se acordó que el diálogo indígena-gobierno le reafirmaría que la voluntad de los participantes era mejorar la comunicación.

Terminaron en un tono constructivo y se volvieron a reunir el viernes de mañana. La idea de la reunión era discutir formas de adoptar un texto en el informe final que incluyera estrategias para la plena y justa participación de los pueblos indígenas. Los pueblos indígenas y los gobiernos amistosos continuaron la estrategia con-

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junta de proponer una discusión en la Comisión de Derechos Humanos y de organizar una reunión técnica. Sin embargo, el diálogo fue desviado por una propuesta de Suecia de que un grupo de pueblos indígenas y gobiernos se organizaran como "amigos de la Presidencia" para facilitar los procedimientos y luego se transformara en un comité de redacción para la primera lectura de la Declaración. Esto causó preocupación entre los pueblos indígenas porque surgía una vez más la amenaza de abrir la Declaración prematuramente.

La propuesta sueca fue aprovechada por algunos gobiernos como una alternativa a la idea de una reunión técnica y la discusión se intrincó en las propuestas originales. Sin embargo, se acordó finalmente que al final de la reunión se haría una sugerencia a la Presidencia para que propusiera que la Comisión de Derechos Humanos tratara la cuestión de la participación con la idea de organizar una reunión técnica. La propuesta sueca fue considerada "prematura" y un grupo comenzó a redactar un texto para su inclusión en el informe final.

La sugerencia final - un ejemplo de consenso

El acuerdo final del texto incluido en el informe fue un interesante ejemplo de cómo el consenso puede reducir las propuestas al mínimo común denominador. Inmediatamente después de la reunión indígena-gobierno, el grupo indígena y los gobiernos amistosos redactaron un texto de propuesta para una inclusión en el informe. "A continuación de amplias consultas, los participantes acuerdan por consenso que la cuestión de la plena e igual participación de los pueblos indígenas en el Grupo de Trabajo abierto intersesional establecido por la Resolución 1995/32 de la Comisión de Derechos Humanos, debe ser asegurada. A este respecto, el Grupo de Trabajo solicita respetuosamente que la Comisión de Derechos Humanos (solicite que el Consejo Económico y Social) apruebe y establezca una serie de reuniones técnicas para asegurar la plena e igual participación de los pueblos indígenas en el Grupo de Trabajo, en el contexto de la elaboración sobre otras modalidades de participación". Si bien los gobiernos amistosos estaban de acuerdo, Australia tenía la preocupación de que el texto no obtuviera el consenso de Brasil y propuso un texto más general: "Muchas delegaciones sintieron que era esencial que se tomaran medidas para promover la efectiva participación y consulta de las organizaciones de pueblos

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indígenas antes de la próxima sesión del Grupo de Trabajo para facilitar el trabajo del Grupo de Trabajo y la clarificación y elaboración del texto de la Declaración preliminar. Por consiguiente, el Grupo de Trabajo recomienda que la Comisión de Derechos Humanos tome ésto en cuenta en la acción que toma sobre este informe". Este segundo texto transforma la "plena e igual participación" en la "efectiva participación y consulta", plantea la cuestión de la "clarificación y elaboración del texto" y abandona toda referencia directa a una reunión técnica. Los representantes indígenas no estaban satisfechos con respecto a la frase "clarificación y elaboración del texto" y ésta fue eliminada.

Luego comenzaron las negociaciones gubernamentales. El principal problema era el gobierno de Brasil, el cual pujaba por debilitar todavía más el texto. Esto molestó a los gobiernos amistosos y en determinado momento las relaciones dentro del grupo latinanoamericano fueron notoriamente acaloradas. No obstante, Brasil insistió y se produjo un debilitamiento aun mayor del texto: "Muchas delegaciones consideraron que era importante para las medidas a ser adoptadas que se consulte a las organizaciones indígenas antes de la próxima sesión del Grupo de Trabajo. Por consiguiente, se deberían tomar medidas para consultar con las organizaciones indígenas antes de la próxima sesión. Por lo tanto, el Grupo de Trabajo recomienda que la Comisión de Derechos Humanos tome ésto en cuenta en la acción a tomar sobre este informe". Este tercer texto elimina toda referencia a la participación y refiere solamente a la consulta y debilita aun más la necesidad de medidas a ser tomadas, cambiando el término "esencial" por "importante".

El texto final fue difundido dentro del grupo indígena y se les comunicó que deberían aprobarlo inmediatamente porque el Alto Comisionado para los Derechos Humanos iba a hablar en la reunión y el informe final tenía que ser aprobado. Se ejerció una enorme presión sobre los participantes para que aceptaran el texto y finalmente, con renuencia, el texto fue aceptado (aunque en el último minuto la Presidencia sustituyó unilateralmente el término "pueblos indígenas" por "indígenas"). Para asegurar que la propuesta original fuera incluida en el informe, un representante del grupo indígena leyó el texto original.

Esta experiencia de ver cómo el consenso puede ser alcanzado constituyó una deprimente ilustración de cómo iniciativas progresistas pueden ser reducidas a su alternativa más débil. Negociacio-

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nes gubernamentales en la sala del plenario, redacción y nueva redacción a toda velocidad, presión por la falta de tiempo y gobiernos recalcitrantes tratando de imponer una cuestión, incluso si constituyen una minoría en la sala, constituyeron características importantes del proceso de consenso.

Esto demuestra un claro contraste entre la forma en que se llega al consenso indígena y la de los gobiernos. En el grupo indígena, el procedimiento usual (con muy pocas excepciones) es que durante una discusión, aquellas personas que asumen una posición minoritaria, tratan de cambiar su posición o acuerdan permitir que la voluntad de la mayoría sea aceptada. La flexibilidad y transparencia asegura un acuerdo final con la mayor parte del contenido de la reunión. La noción gubernamental de consenso es que una iniciativa progresista sea gradualmente debilitada hasta que el representante que ejerza la mayor oposición reduzca el texto al mínimo común denominador. Por esta razón, los pueblos indígenas sintieron al final de la reunión que su preocupación referente a la participación estaba plenamente justificada, como no existe flexibilidad de parte de los gobiernos, el texto de la Declaración se verá transformado a las ideas de unos pocos gobiernos tales como Brasil, Bangladesh, los EE.UU., Japón y Francia.

Las reuniones plenarias del Grupo de Trabajo

Las reuniones del Grupo de Trabajo brindaron un serie de discusiones paralelas a aquellas relativas a la participación. Después que la Presidencia acordó cambiar el orden del día y comenzar con una discusión general y luego tomar grupos de artículos por vez, la sesión se transformó en un comentario más detallado sobre los temas cubiertos en el Grupo de Trabajo de 1995. Los debates sobre los grupos de artículos fueron enlentecidos por las intervenciones paralelas sobre la participación. Si bien al comienzo de la reunión se dedicó un período importante de tiempo al grupo de artículos sobre la cultura, el tiempo límite se redujo en las dos semanas subsiguientes con el resultado de que los tópicos fueron tratados más brevemente hacia el final.

El resumen aquí provisto brinda un esquema de los debates que tuvieron lugar sobre la Declaración. La posición de los pueblos indígenas era coherentemente favorable a la actual redacción, mientras que los gobiernos plantearon muchas sugerencias de cambios. Estos se agrupaban en torno a varios temas. Los comentarios

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más frecuentes de los gobiernos buscaban la "clarificación" de la redacción. Si bien algunos representantes de los gobiernos se escondían detrás de este argumento general para evitar explicar por qué no les agradaban ciertos aspectos del texto, una genuina clarificación podría ser un importante factor en el trabajo futuro.

El debate general

Todos los representantes indígenas propusieron la adopción de la Declaración tal como está y pusieron un énfasis específico en la importancia del derecho a la autodeterminación. Los derechos colectivos eran considerados un componente esencial de la Declaración pero no opuestos a los derechos individuales. Los oradores subrayaron la importancia de los conceptos de consentimiento y control relativos a las actividades que tienen lugar en los territorios indígenas y todos argumentaron que debe haber un reconocimiento para asegurar el acceso pleno y libre a los recursos que pertenecen a sus tierras y territorios.

Varios gobiernos apoyaron las demandas indígenas de adoptar la Declaración tal como está actualmente redactada. Bolivia, Finlandia, Fiji y Suiza eran lo más positivos, mientras que Chile, México, Nueva Zelanda y Rusia argumentaron en favor de algunas modificaciones del texto. Sin embargo, al analizar el texto, Chile pareció estar conceptualmente de acuerdo con Finlandia en que existía la preocupación de que la autodeterminación amenazara la integridad territorial de los estados. México defendió la adopción de la redacción del Convenio 169 de la OIT (una estrategia adoptada por la Organización de Estados Americanos para su Declaración preliminar que está recibiendo muchas críticas de los pueblos indígenas). Perú se mostró más positivo que el año anterior, pero abogó en favor de modificaciones sustanciales y planteó la cuestión de la definición.

Artículos 12, 13, 14, 24 y 29 - Cultura

Estos artículos cubren los derechos culturales y religiosos y otorgan protección a la propiedad intelectual indígena. Los pueblos indígenas estaban completamente de acuerdo con el texto, mientras que los gobiernos tenían varias preocupaciones. Algunos (incluyendo algunos "amistosos" como Noruega y Australia que apoyaron generalmente la redacción preliminar) se sentían poco cómodos con la idea de asegurar la restitución de la propiedad indígena a los

propietarios tradicionales. Querían una referencia a la propiedad de una tercera parte. No obstante, la respuesta indígena a ésto ha sido que los pueblos indígenas son los propietarios de su propia cultura y que toda propiedad cultural, intelectual, religiosa y espiritual tomada sin su libre e informado consentimiento o en violación de sus costumbres, debería ser restituida.

Una preocupación planteada por Francia y otros pocos gobiernos (pero mencionada varias veces en 1995) era la cuestión de lo que se ha denominado la "discriminación positiva". Consideraban que la adopción de "medidas especiales" para ayudar a los pueblos indígenas contradice la noción de igualdad de los ciudadanos. Esta preocupación fue tratada diciendo simplemente que las "medidas especiales" no tenían la intención de crear una desigualdad entre indígenas y no-indígenas, sino asegurar un "nivel de vida a la par de otros en el mismo país".

Unos cuantos gobiernos (especialmente Brasil, Francia y Rusia) plantearon también la objeción de que la legislación nacional debería ser el principio guía para la aprobación de la Declaración, y se debería hacer una rectificación para poner al texto a tono con la legislación nacional existente. Sin embargo, en 1995, los expertos legales estuvieron de acuerdo unánimemente en que una Declaración es un documento que establece una perspectiva visionaria del mundo y como tal no debería, ni puede, ser diseñada en base a una ya existente legislación nacional; en cambio la legislación nacional debería ser revisada a la luz de la Declaración (tal como se menciona en el Artículo 37).

Varios gobiernos (Francia, Suiza, Holanda y Suecia) consideraban que los derechos culturales deberían ser calificados para asegurar que los pueblos indígenas respeten el derecho internacional actual. No obstante, los pueblos indígenas han señalado regularmente el hecho de que el Artículo 33 ya asegura que todas las estructuras institucionales indígenas, costumbres jurídicas, tradiciones, procedimientos y prácticas deberían realizarse "de acuerdo con las normas internacionalmente reconocidas de los derechos humanos".

Artículos 1, 2, 43 y 42, 44, 45 - Derechos humanos

Este grupo de artículos conecta a los pueblos indígenas a las normas generales de derechos humanos. Les garantiza el pleno goce de todos los derechos humanos como individuos y como pueblos, y

como hombres y mujeres, todo dentro del marco de la Carta de la ONU. Además la Declaración es considerada como normas mínimas que no pueden ser interpretadas como disminuyendo los derechos indígenas en el futuro. Los pueblos indígenas apoyaron plenamente los artículos, así como también Nueva Zelanda, Finlandia, Dinamarca, Australia y Noruega.

Prácticamente todos los gobiernos aceptaron estos artículos en principio. No obstante, un posible punto de disputa se originó en la distinción entre derechos colectivos e individuales, lo cual fue discutido extensamente en 1995. Luego, los expertos legales internacional pusieron en claro que el derecho internacional desde el Convenio sobre el Genocidio, los Convenios sobre derechos humanos y los Convenios 107 y 169 de la OIT, reconocen los derechos colectivos. La alineación de 1995 permaneció más o menos igual: Noruega, Finlandia, Dinamarca, Australia, Fiji, Bolivia y Colombia, por ejemplo, no tenían problemas; Brasil quería que los conceptos fueran aclarados pero acepta los derechos colectivos; Holanda quiere una clarificación de la relación con los derechos individuales, mientras que Francia, EE.UU., Suecia y Japón se oponen.

Artículos 5, 9 y 32 - Nacionalidad y pertenencia institucional

Estos artículos reconocen el derecho de los pueblos indígenas a ser ciudadanos de los estados nacionales en los cuales viven e identificarse y elegir la pertenencia a sus propias instituciones. Los pueblos indígenas apoyaron estos artículos, así como también los gobiernos de Fiji y Finlandia. Algunos gobiernos tenían dificultades en comprender algunos de los conceptos - Malasia no sabía qué era una "nación indígena" y varios representantes estaban confusos con respecto a la noción de "ciudadanía indígena" en el Artículos 32.

Se criticó que había una superposición entre el artículo 32 y los otros y que por lo tanto debería ser eliminado (Brasil y Japón). No obstante, los pueblos indígenas consideran que el Artículo 32 es importante porque es una declaración fundamental de que los pueblos indígenas deben determinar su propia pertenencia y ciudadanía. Esto difiere de anteriores artículos que garantizan su derecho a ser ciudadanos de estados y miembros de un pueblos indígena. No obstante, esta sección fue comparativamente poco polémica.

Artículos 15, 16, 17 y18 - Educación, medios de difusión y trabajo (Parte IV)

Este grupo de artículos reconoce el derecho indígena a controlar sus sistemas educativos y asegurar que la enseñanza y los medios de difusión reflejen sus lenguas y tradiciones. El Artículo 18 garantiza los derechos laborales de los pueblos indígenas. Los representantes indígenas, como en todos los otros casos, apoyaron plenamente estos artículos.

En general los gobiernos apoyaron estos argumentos. Francia estaba preocupada de que el efecto de reconocer a los pueblos indígenas el derecho a controlar su educación podría llevar a sistemas paralelos, mientras que Brasil expresó preocupación con respecto a las consecuencias administrativas para países con muchos pueblos indígenas. Nueva Zelanda planteó el problema de las obligaciones financieras de parte de los estados para asegurar que los pueblos indígenas tengan los recursos para la educación en su propia lengua y cultura. Varios países (Japón y Francia) expresaron que el texto de la declaración era demasiado compulsivo.

En general este fue un grupo de artículos mayormente poco polémicos. Los pueblos indígenas subrayaron que estaban buscando los medios para asegurar de que tuvieran las mismas oportunidades que cualquier otra persona en el país e insistieron que la educación bilingüe e intercultural era algo que ellos mismos deberían definir, no los gobiernos.

Artículos 6, 7, 10 y 11 - Derecho a la protección contra el genocidio, los conflictos armados y la reubicación

Estos artículos cubren el derecho a la protección contra el genocidio y etnocidio, la prohibición contra la reubicación forzada y la protección en tiempos de guerra. En general, los gobiernos estaban ampliamente a favor, incluyendo a Suecia, Colombia, Noruega, Fiji y Finlandia. Una preocupación era el deseo de algunos gobiernos de asegurar que la reubicación forzada es a veces necesaria, particularmente en tiempo de guerra (Malasia y Brasil). Algunos gobiernos objetaron el término genocidio cultural (Chile y EE.UU.), mientras que otros pensaban que una protección especial en tiempo de guerra era innecesaria más allá de las ya existentes previsiones legales internacionales (Francia y Canadá). Todos estos puntos habían sido planteados en 1995.

Los pueblos indígenas se opusieron a ésto porque consideran que en tiempo de guerra o en estados de emergencia, son perfectamente capaces de solicitar ayuda de los gobiernos para reubicarse usando su pleno e informado consentimiento, en vez de que se les impongan decisiones externas. Los pueblos indígenas están usando cada vez más el término "genocidio cultural" que goza de una historia más larga que el de "etnocidio", remontándose a las discusiones originales del Convenio sobre el Genocidio.

Participación en la política nacional, previsiones para mejorar las condiciones y el desarrollo

Estos artículos otorgan a los pueblos indígenas el derecho a participar a todos los niveles de las tomas de decisiones que los afectan y obtener su consentimiento antes de instrumentar legislaciones que les afecten. El Artículo 22 considera la previsión de las necesidades sociales y económicas y el Artículo 23 cubre el derecho al desarrollo.

En general los gobiernos apoyaron estos artículos (particularmente México, Dinamarca, Fiji, Chile, Colombia y China. Sin embargo, Canadá, Colombia y Japón expresaron la preocupación de que "individuos" indígenas estaban obteniendo derechos especiales con respecto a otros ciudadanos. Los EE.UU. fueron el único país que cuestionó el derecho al desarrollo.

Los pueblos indígenas destacaron que no están procurando "derechos especiales" sino medios para asegurar gozar de las mismas oportunidades que otros y poder controlar sus propias vidas en base a sus derechos como pueblos indígenas. Este punto fue destacado repetidamente pero necesitaba ser explicado continuamente.

Artículos 4, 8, 21 y 33 - Preservación de la identidad, reconocimiento y protección institucional

Este grupo de artículos cubre los derechos de los pueblos indígenas a mantener y fortalecer sus características políticas, económicas, sociales y culturales, incluyendo sus sistemas y estructuras institucionales.

Francia se opuso a todos estos artículos, mientras que Noruega, Suecia, Colombia y Rusia estaban a favor. Brasil, Malasia y Japón se oponían al término "sistemas legales indígenas", aunque Australia y Chile deseaban simplemente una aclaración de este punto. Los EE.UU. requirieron una aclaración más general. Con la excepción de Francia, los gobiernos parecían, en general, a favor de los artícu-

los; sin embargo es incierto hasta que punto debilitarían el texto en ocasión de una redacción.

Los pueblos indígenas argumentaron coherentemente que sin un pleno reconocimiento de sus propios sistemas y estructuras organizacionales, no pueden ejercer el control sobre sus propias vidas. "Sistemas legales indígenas" es una expresión de importancia considerable porque refleja los medios existentes mediante los cuales los pueblos indígenas toman decisiones y resuelven disputas. Sin reconocer éstos, la naturaleza diferenciada de la identidad de los pueblos indígenas es ignorada.

Artículos 25 y 26 - Tierras y territorios

Estos artículos consideran los derechos de los pueblos indígenas a poseer, desarrollar, controlar y usar sus tierras y territorios. Los pueblos indígenas estaban firmemente a favor de estos artículos por considerarlos esenciales para el mínimo reconocimiento de sus derechos.

Los gobiernos expresaron ampliamente su acuerdo con los aspectos filosóficos del Artículo 25 y la mayoría estaba de acuerdo sobre la provisión y protección de recursos en el Artículo 26. Sin embargo, si bien Australia, Finlandia, Noruega y Fiji favorecieron el texto con una pocas aclaraciones menores relativas a las situaciones nacionales, Suecia, EE.UU. y Brasil estaban preocupados sobre la amplitud del reconocimiento de la propiedad. Propugnaban términos como "poseer, desarrollar o usar" como reemplazo de "poseer, desarrollar y usar" en el texto. Esto podría tener el efecto de limitar la magnitud de la propiedad a uno de los tres aspectos en vez de abarcarlos a todos.

El otro punto que fue planteado en la discusión fue el uso del término "territorios". Japón y Ecuador no se sentían cómodos con la noción de territorio, la cual consideraban como un concepto estatal. La sugerencia de Canadá fue de considerar al territorio como basado en los derechos de usufructo en vez de la propiedad. Los pueblos indígenas y los gobiernos amistosos estaban claramente en desacuerdo con limitar la propiedad de sus tierras, territorios y recursos.

Las tierras y territorios son sumamente importantes para los pueblos indígenas. Los derechos territoriales son una parte fundamental de su organización política y también expresan la totalidad holística de su entorno, lo cual no es cubierto por el término

"tierras". La propiedad es un aspecto importante de estos artículos porque sin el reconocimiento de este derecho, los territorios indígenas pueden convertirse en víctimas del intento de los intereses externos de saquear sus recursos.

Artículos 27, 28 y 30 - Medio ambiente y restitución
Este grupo considera la importancia de la restitución de tierras y territorios de pueblos indígenas que han sido apropiados sin su consentimiento y, cuando sea posible, disponer una compensación. Los otros artículos cubren la conservación ambiental, la protección de los territorios indígenas y el control indígena sobre el desarrollo de sus tierras y territorios. Los representantes indígena defendieron sistemáticamente estos artículos tal como estaban redactados.

Los gobiernos tomaron diferentes posiciones sobre esto. Colombia era el único gobierno amistoso que habló en esta sección apoyando plenamente el texto existente. Los gobiernos de Ucrania y Japón querían que los artículos se adaptaran a la legislación nacional, mientras que Suecia, Francia y Brasil no estaban a favor del "libre e informado consentimiento" de los pueblos indígenas ya que era equivalente a un "veto". Algunos países (Francia, Suecia y Brasil), no estaban a favor de prohibir actividades militares en territorios indígenas. La idea de otorgar compensación a los pueblos indígenas tampoco era muy popular para Francia.

Los pueblos indígenas insisten regularmente que la Declaración no está determinada por la legislación nacional existente. Además, la restitución debería considerarse como una obligación emergente de la colonización de los territorios indígenas y la pérdida del potencial de recursos. Los pueblos indígenas quieren el control de sus tierras y territorios de manera de poder asegurar que los desechos peligrosos no sean arrojados en sus tierras y que sus territorios no sean usados para peligrosas pruebas atómicas u otras actividades militares.

Artículos 36, 37 y 39 - Tratados, legislación nacional y procedimientos para la resolución de conflictos
Estos artículos tratan sobre el reconocimiento, la observancia y la implementación de tratados y otros acuerdos, la incorporación de la Declaración en el derecho nacional y los procedimientos para resolver conflictos y disputas, teniendo en cuenta los estados, las costumbres y sistemas legales de los pueblos indígenas. Estos apo-

yaron plenamente el texto actual, así como también lo hicieron los gobiernos de Colombia y Finlandia. Chile, Venezuela y Brasil estaban de acuerdo en general pero querían asegurar que la Declaración fuera implementada en un contexto nacional doméstico.

Los únicos comentarios sobre los tratados provinieron de los EE.UU. y Canadá, los cuales afirmaron que deberían ser considerados como acuerdos nacionales, y no algo a ser resuelto en los foros internacionales. Esto está claramente opuesto a la visión de los pueblos indígenas que han firmado tratados con los estados. Las principales quejas provinieron de Francia, Canadá y en alguna medida de Suecia, los cuales querían que la Declaración fuera aplicada de una forma menos compulsiva.

La perspectiva indígena argumenta que las negociaciones nacionales a veces necesitan de árbitros internacionales cuando no se pueden lograr acuerdos. Insisten en el reconocimiento internacional de sus tratados. Los gobiernos que se quejan de la naturaleza compulsiva de la Declaración están principalmente preocupados sobre las obligaciones morales que el texto les impone. Sin embargo, los pueblos indígenas consideran que los gobiernos tienen la obligación de asegurar su bienestar.

Artículos 35, 38 40 y 41 - Derechos fronterizos, asistencia financiera y ayuda de la ONU

Este grupo es una combinación bastante incoherente de artículos. Los primeros abarcan los derechos de los pueblos indígenas que viven a través de las fronteras y fue aprobado en general - aunque Francia lo juzgó demasiado amplio. Varios países (EE.UU., Australia, Chile, Brasil) estaban preocupados sobre las implicaciones financieras de la implementación de la Declaración y eran reacios a comprometerse con los gastos para los pueblos indígenas.

Todos acordaron que la ONU y las agencias internacionales deberían contribuir a la implementación de la Declaración. Algunos querían usar la redacción de la Declaración sobre las Minorías a estos efectos, pero los representantes indígenas no consideran que la Declaración sobre las Minorías sea de mucho uso en su contexto y prefieren mantener el texto tal cual está. Otra vez más, algunos gobiernos expresaron su preocupación de verse obligados a ayudar financieramente y con asistencia técnica a los pueblos indígenas. Esta posición demuestra que los estados desearían ver todos los derechos arbitrados por los gobiernos mientras que todas las obli-

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gaciones fueran tomadas por los organismos internacionales. De esta manera controlan a los pueblos indígenas y no están obligados a contribuir con nada.

Artículos 3, 31 y 34 - Autodeterminación

La Presidencia mantuvo a propósito la discusión sobre la autodeterminación hasta el final, aunque varios gobiernos ya se habían referido al tema en sus comentarios generales.

Este grupo trata de la afirmación del derecho a la autodeterminación para los pueblos indígenas en el Artículo 3, y también el Artículo 31 ejemplifica la autodeterminación como autonomía y autogestión sobre asuntos internos. El Artículo 34 considera la relación entre autodeterminación y responsabilidades individuales.

Una gran cantidad de gobiernos estaban a favor de estos artículos, tales como Colombia, Bolivia, Fiji y Dinamarca. Chile y las Filipinas procuraron una mayor aclaración. Aquellos opuestos eran los EE.UU., Brasil, Francia y Argentina.

El momento más dramático fue la declaración del representante de Canadá cuando dijo: "Quiero declarar en este momento que el Gobierno de Canadá acepta el derecho a la autodeterminación de los pueblos indígenas que respete la integridad política, constitucional y territorial de los estados democráticos". Esto constituye un importante cambio en la conformación de los gobiernos, porque Canadá, desde el momento de la revisión del Convenio 169 de la OIT, se ha referido consecuentemente a los "indígenas" y no ha aceptado la noción de autodeterminación en su sentido colectivo. Este cambio en uno de los principales actores gubernamentales de la reunión demuestra claramente que mediante la explicación y la determinación por parte de los pueblos indígenas, es posible que los estados comprendan los puntos de vista indígenas sobre sus derechos.

Conclusión

Posiciones de los gobiernos

En 1995, IWGIA trabajó junto con varios representantes indígenas para elaborar un esquema general de cómo los gobiernos se relacionan con los pueblos indígenas. Los gobiernos amistosos eran cálidos, aquellos que están generalmente de acuerdo con la Declaración pero querían algunas aclaraciones eran menos cálidos, los gobiernos tibios no eran hostiles pero no apoyaban realmente,

mientras que los gobiernos fríos eran fundamentalmente negativos en sus actitudes.

!996 ha observado algunos cambios sustanciales. Los gobiernos asiáticos estuvieron notablemente silenciosos en 1996. Sólo Malasia y Filipinas hicieron algunas declaraciones. En alguna medida este es un cambio positivo pues gobiernos como India escuchaban la discusión y parecían abiertos a la misma. El cambio de Canadá de "tibio" a "menos caluroso" (ubicarlos como calurosos podría ser prematuro) es importante. En contraste, la posición de Suecia fue más tibia en 1996. Perú e India mostraron signos de cambios positivos durante el año. Varios gobiernos no asistieron este año, los más notorios ausentes fueron los países árabes y africanos (con la excepción de Sudáfrica).

La actual situación es la siguiente. (C) significa miembro de la Comisión de Derechos Humanos, * significa una mejora y # significa una posición deteriorante:

Fríos	**Tibios**	**Menos calurosos**	**Calurosos**
Participantes activos			
Brasil (C)	Malasia (C)	Canadá (C)*	Australia (C)
China (C)	Filipinas (C)	México (C)	Colombia (C)
Francia (C)	Nueva Zelanda	Rusia (C)	Finlandia
Japón (C)	Suecia #	Sudáfrica *	Bolivia
EE.UU. (C)	Perú (C) *	Chile (C)	Dinamarca (C)
Argentina	Ucrania (C)		Noruega
	Ecuador (C)		Fiji
Países silenciosos, basado en las discusiones y el año pasado			
Bangladesh (C)	Indonesia	El Salvador	Cuba (C)
Nigeria	Nepal	Panamá	Nicaragua
	India (C) *	España	
	Alemania	Reino Unido (C)	
	Venezuela (C)	Paquistán (C)	
	Holanda (C)		
	Estonia		

Posiciones desconocidas

Austria (C), Costa Rica, Etiopía (C), Honduras, Italia (C), Marruecos, Tailandia, Vietnam

Una conclusión general que se puede obtener de ésto es que han habido signos de cambios positivos en cuatro países y deterioro en uno (Suecia). Los observadores fueron menos en 1996 (ningún país árabe y pocos africanos) mientras que los países asiáticos se mantuvieron en general en silencio - indicando una voluntad de escuchar. No obstante, Argentina es un nuevo candidato para la columna negativa. Los países a observar durante los próximos 12 meses son Nicaragua y Australia, ambos han tenido elecciones en las cuales nuevos gobiernos derechistas podrían debilitar su posición positiva.

Logros de la reunión

La segunda sesión del Grupo de Trabajo Abierto fue un proceso complicado. Por un lado los representantes indígenas intentaron una estrategia diferente de la de 1995. En vez de argumentar por un cambio gradual mediante la discusión y persuasión, tomaron una posición más afirmativa, argumentando la inmediata adopción de la Declaración y por cambios de los procedimientos a niveles más elevados de la ONU. La reacción de la Presidencia fue abrupta y la reacción del grupo indígena fue retirarse. Sin embargo, surgió un arreglo complementario durante los días siguientes, cuando los que estaban dentro y fuera de la sala trabajaron juntos en dos frentes - defender la Declaración tal como está ahora redactada desde adentro del plenario y promover una plena e igual participación de los pueblos indígenas en futuras sesiones a través del diálogo informal con los gobiernos fuera de la sesión.

A pesar de las limitaciones y la tensión en diversos puntos de la reunión, el resultado neto fue positivo. El objetivo original de los pueblos indígenas era que la Declaración no fuera abierta a la revisión. Sin embargo, durante el año los gobiernos y observadores habían prevenido de que ésto sería inevitable. No obstante, al final de la segunda sesión, la Declaración está todavía intacta y, lo que es más, un importante actor gubernamental, Canadá, ha demostrado que está preparado a escuchar a los pueblos indígenas y a ser flexible. El cambio de posición después de 10 años ha sido quizás el acontecimiento más importante de la sesión.

El segundo logro importante de la sesión has sido que el Grupo de Trabajo acordó sugerir a la Comisión de Derechos Humanos que las modalidades de participación deberían ser discutidas en la próxima reunión de la Comisión en el mes de marzo. Aunque el texto final de la resolución no incluyó todos los puntos que desea-

ban los pueblos indígenas, el tema principal está ahora pronto para ser ubicado en la agenda de la Comisión de Derechos Humanos y los países amistosos y los pueblos indígenas están preparados para seguir de cerca la recomendación.

La consecuencia de ésto es que los pueblos indígenas tienen que estar presente en la Comisión de Derechos Humanos de la ONU para luchar por su plena e igual participación en las futuras reuniones. Esto es sumamente importante porque los pueblos indígenas se están dando cuenta que hay un creciente número de actividades a nivel gubernamental en la ONU - particularmente el Decenio, el Foro Permanente y la Declaración. Para que estas actividades tengan legitimidad e importancia para los pueblos indígenas, debe haber una plena e igual participación de los pueblos indígenas en las reuniones.

Lecciones aprendidas y el trabajo futuro

La principal lección aprendida en esta sesión del Grupo de Trabajo Abierto es que tanto los gobiernos como los pueblos indígenas están nerviosos sobre el futuro de la Declaración. Si bien los pueblos indígenas temen que el texto sea abierto, cambian su enfoque gradualista, colaborativo, del tratamiento del texto y adoptan una fuerte posición que puede ser tan intransigente como la de los EE. UU., Brasil o Bangladesh. Este enfrentamiento es a veces necesario, pero pone riesgos sobre el futuro de la Declaración.

La Declaración no es un documento hecho por los pueblos indígenas y ni siquiera "pertenece" a los mismos. Sin embargo, para que obtenga legitimidad a nivel internacional debe incluir la participación y consentimiento indígenas. Una importante lección de este año es que sin la presencia de los pueblos indígenas en la sala, todo el procedimiento se convirtió en una discusión sobre los derechos y deberes de los gobiernos en relación a los pueblos indígenas, no una Declaración para los mismos pueblos indígenas. Para que esta Declaración avance, los pueblos indígenas tienen que dar su consentimiento.

Al mismo tiempo, los gobiernos dicen que necesitan demostrar que la Declaración está avanzando y que el Grupo de Trabajo no se está convirtiendo en un lugar de simple conversación. La idea original de los gobiernos era comenzar la redacción, pero los pueblos indígenas se negaron a cooperar. El resultado es que debe ser encontrada una forma que haga avanzar al proceso sin abrir la

Declaración. Varios gobiernos y pueblos indígenas están discutiendo un enfoque que pueda abrir un camino en esta difícil situación.

El enfoque consiste en ver cuales son las principales áreas de diferencia mediante la identificación de conceptos sobre los cuales todavía no hay acuerdo. Al discutir el texto tal cual es y solicitar a los gobiernos y pueblos indígenas que identifiquen qué es lo que los términos significan para ellos, puede encontrarse un consenso sobre un significado sustancial. Una vez que exista un acuerdo conceptual, los temas sustanciales serán resueltos. Luego la Declaración puede ser examinada técnicamente de tal manera que refleje los acuerdos ya logrados.

Uno de los comentarios más comunes por parte de los gobiernos es que necesitan que se aclare el texto. En alguna medida esta es una forma diplomática de expresar su desacuerdo. No obstante, este año quedó claro que algunos gobiernos y pueblos indígenas no comparten una interpretación de la Declaración. Parte de la falta de clarificación es debido a que los gobiernos no comprenden genuinamente lo que los pueblos indígenas quieren. El enfoque positivo sería que durante los próximos años se aclararan puntos específicos tales como: derechos colectivos, autodeterminación, territorialidad, reconocimiento de los sistemas legales indígenas, responsabilidades de los gobiernos, propiedad intelectual y patrimonio cultural. El objetivo sería alcanzar un consenso entre los gobiernos y los pueblos indígenas en lo referente al contenido sustancial de estos derechos. Esto permitiría que el diálogo continuara en una base constructiva sin enfrentarse con un punto muerto en los procedimientos, lo cual casi ocurrió en esta sesión del Grupo de Trabajo.

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TEMAS INDÍGENAS

La 53ª sesión de la Comisión de Derechos Humanos

Por Inger Sjoerslev

La reunión de 1997 de la Comisión de Derechos Humanos tuvo lugar del 10 de marzo al 18 de abril, en Ginebra, como siempre. Esta fue la segunda vez que los temas indígenas se encontraban en la agenda como un punto especial, y los representantes indígenas habían tenido más tiempo que el año pasado para preparar su participación en este punto de la agenda, el cual fue programado para el 1 de abril. El 31 de marzo se celebró una reunión preparatoria indígena en el Consejo Mundial de Iglesias, con la participación de unos 40 representantes indígenas de ONGs. Como en años anteriores, la reunión preparatoria había sido convocada y organizada por Kennet Deer de la nacion mohawk quien presidió la sesión.

Durante la sesión de la tarde fueron discutidos muchos temas, entre los cuales estaban los estudios en marcha y los planeados -el que está en marcha se refiere a tratados y uno planeado sobre derechos territoriales-, el foro permanente, y la idea de procurar un informante especial sobre temas indígenas. Sin embargo, la mayor parte de la reunión se concentró en temas de procedimiento y las cuestiones presentadas por los sucesos del grupo de trabajo intersesional de 1996, tal como se relata en el capítulo previo de este anuario. Se celebró una larga discusión sobre la posibilidad de solicitar medidas especiales bajo el punto 24 de la agenda, para permitir a los indígenas hablar por ellos mismos, sin tener que solicitar tiempo oratorio a ONGs con estatus de ECOSOC. "El estatus de ONG es anticuado para los pueblos indígenas", dijo un representante, y sugirió que estos temas fueran tratados antes de la próxima reunión de la Comisión. También se informó que algunos

gobiernos eran favorables a la idea de que los indígenas hablaran sin las credenciales de ONG. La decisión sobre reglas de procedimiento y tiempo de oratoria es asumida por el Buró, y no parece existir ninguna razón que impida que una ONG acredite a una serie de oradores. La decisión para permitir ésto puede ser tomada por la Presidencia, después de consultas con el Buró. En conexión con ésto, se sugirió que los indígenas solicitaran una suspensión de las reglas de procedimiento sobre el punto de la agenda referente a temas indígenas, con el argumento de que esto permitiría a la Comisión sacar provecho de la experiencia que disponen los indígenas presentes. La reunión decidió entonces dirigirse al presidente del grupo de trabajo intersesional, y buscar una solución a ésto antes de la próxima reunión del grupo de trabajo intersesional. Durante la reunión de la comisión, pareció que era demasiado tarde para procurar cualquier cambio de procedimientos en la actual reunión. Sin embargo, se sugirió que los indígenas deberían trabajar lentamente para abrir más y más puertas para su participación de una manera no amenazadora. Se enfatizó también que las reglas son más restrictivas en la Comisión, pero que sería posible procurar más flexibilidad en el próximo grupo intersesional. Una serie de reuniones con el Presidente, Dr. José Urrutia durante la reunión de la Comisión revelaron un consenso entre el presidente y los representantes indígenas sobre esta materia.

Las discusiones sobre la Declaración se centraron en cómo tratar con los gobiernos que se oponen a la Declaración. Se formularon varias sugerencias de estrategias. Entre éstas, adoptar y comenzar a utilizar la Declaración entre los mismos pueblos indígenas y hacer trabajo de "lobby" para su adopción y uso en climas políticos favorables a la Declaración. También, llegar a acuerdos con los gobiernos sobre los puntos de la Declaración que son menos problemáticos, al mismo tiempo que crear una estrategia para encarar los temas polémicos, como la autodeterminación y la cuestión de los derechos territoriales.

También fueron discutidas las resoluciones preliminares de esta reunión. Estas eran:

1) Una resolución sobre el Grupo de Trabajo y el Decenio, presentada por Nueva Zelanda.

2) Una resolución sobre el foro permanente presentada por Dinamarca y el Gobierno Autónomo de Groenlandia, con los países nórdicos.

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3) Una resolución sobre cuestiones de procedimiento presentada por Canadá.

Se celebraron más reuniones sobre estas resoluciones preliminares durante los días siguientes.

El 1 de abril, fue abierto el punto 24 de la agenda, "temas indígenas". En total, unos 10 gobiernos y 20 representantes indígenas y ONGs hablaron sobre este tema, el cual finalizó el 2 de abril, después de haber incluido una sesión nocturna el 1 de abril.

La apertura del punto de la agenda fue realizada por el Sr. José Urrutia, quien informó sobre el grupo de trabajo intersesional. El presidente subrayó la necesidad de crear un clima de confianza y dijo que la única posibilidad de superar los problemas yacía en un pensamiento imaginativo y en un respeto mutuo entre todos aquellos involucrados. También enfatizó la necesidad de contemplar la participación de los pueblos indígenas para que las negociaciones substanciales pudieran comenzar, y dijo que el grupo de trabajo intersesional dependía de la guía de la Comisión sobre este tema. Aunque él mismo usó el término pueblos indígenas, el presidente dijo que el problema de si usar el términos pueblos o poblaciones todavía no estaba resuelto.

Entre los gobiernos, China y algunos otros países asiáticos pidieron una definición del término indígena. El gobierno australiano, que ha sido previamente activo y positivo con respecto a los temas indígenas, con el nuevo cambio de gobierno adoptó ahora una actitud más pasiva y conservadora, con mucho menos respeto por las opiniones de los pueblos indígenas. Los gobiernos latinoamericanos eran generalmente favorables con respecto al tema y varios de ellos mencionaron la necesidad de discutir la creación de un foro permanente. El discurso de los países nórdicos fue realizado por un representante del Gobierno Autónomo de Groenlandia, el Sr. Hans Pavia Rosing, quien puso énfasis en la necesidad de un segundo seminario sobre el foro permanente y exhortó a la Comisión a tomar medidas rápidas y decisivas para el establecimiento de un foro permanente para pueblos indígenas. Además, los países nórdicos consideraron la adopción de una declaración como un importante objetivo del Decenio.

Los representantes indígenas hicieron varias intervenciones fuertes e importantes. Encararon muchos temas específicos, pero la mayoría de ellos abogaron al mismo tiempo por la adopción de la

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Declaración preliminar y pusieron énfasis en la necesidad de encontrar una solución al problema de la participación indígena. Muchos oradores mencionaron también el foro permanente y la necesidad de celebrar un segundo seminario.

En la misma semana se celebraron una serie de reuniones informales, algunas de las cuales con el presidente del grupo de trabajo intersesional, el Sr. José Urrutia, algunas con exclusiva participación indígena, y unas cuantas con los gobiernos. Los gobiernos de Canadá y Dinamarca, con el apoyo de muchos otros delegados gubernamentales, llamaron a una reunión. Esta reunión discutió las resoluciones preliminares que habían sido presentadas. Tanto la correspondiente al Decenio y al Grupo de Trabajo como la correspondiente a la participación originaron una serie de observaciones críticas por parte de los representantes indígenas. Los indígenas preferían resoluciones separadas sobre el Grupo de Trabajo y el Decenio. El argumento gubernamental por la fusión era que la Comisión quiere racionalizar. Sin embargo, un argumento menos oficial podría ser que cuanto menos resoluciones haya sobre temas indígenas, implica menos énfasis en el tema.

Sobre la cuestión de la participación, todos los representantes indígenas pusieron énfasis en la necesidad de que los pueblos indígenas fueran parte del proceso y expresaron que los problemas enfrentados ahora aumentarán en el futuro. Los indígenas llegarán a la Comisión en cantidades cada vez mayores, y tendrán que hacerse eventualmente algunos cambios para acomodarlos como participantes en pie de igualdad, sin tener que buscar acreditación con ONGs que no están relacionadas con el tema, para poder hablar.

Finalmente, se encaró el tema del estudio sobre los derechos territoriales, y se aprobó finalmente una resolución sobre este estudio, junto con otras dos resoluciones sobre actividades ya en marcha en la Subcomisión. Por lo tanto, se presentaron tres resoluciones de la Subcomisión, una sobre el estudio de tratados, que será concluida dentro de poco tiempo, una sobre el estudio del patrimonio cultural, y la referente a la propuesta de redactar un informe sobre pueblos indígenas y derechos territoriales. Esta última resolución había encontrado oposición por parte de algunos gobiernos, que sostenían que ese estudio no debería ser iniciado mientras que el grupo de trabajo intersesional sobre la declaración preliminar estaba tratando el tema. Sin embargo, esta resolución había sido

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objeto de un fuerte trabajo de "lobby" por parte de algúnos de los representantes indígenas y fue afortunadamente adoptada al final.

Las resoluciones de la Subcomisión fueron adoptadas por consenso y sin votación, igual que las otras tres resoluciones adoptadas, las cuales siguen a continuación:

1) La resolución sobre el foro permanente, introducida por el representante del Gobierno Autónomo de Groenlandia. 36 miembros apoyaron la resolución. El principal punto es la celebración de un segundo seminario sobre el foro permanente a fines de junio, siendo las fechas tentativas el 30 de junio hasta el 2 de julio inclusive. Chile sería el anfitrión. Los problemas habían sido fundamentalmente demandas de los EE.UU. de que todas las expensas fueran voluntarias. Se llegó a un compromiso sobre esta cuestión.

2) La resolución sobre el grupo de trabajo intersesional, presentada por Canadá. Esta resolución corresponde en gran medida a la resolución del año pasado. No se hicieron cambios en las formulaciones concernientes a la participación indígena y la acreditación. Los representantes indígenas querían ésto, pero los gobiernos, particularmente Bangladesh, quisieron que las reglas fueran más estrictas. El compromiso fue entonces de mantener las formulaciones del año pasado. La aceptación titubeante de los pueblos indígenas con respecto a ésto debe contemplarse a la luz de las consultas informales celebradas con el presidente José Urrutia y los acuerdos de continuar celebrando tales reuniones, para evitar los tumultuosos sucesos del año pasado.

3) La resolución sobre el grupo de trabajo y el decenio, presentada por Nueva Zelanda, que se ha encargado de este tema después de Australia - que quiere mantener un perfil bajo en este tema. Las resoluciones conjuntas fueron mantenidas, debido a la presión principalmente de una serie de gobiernos asiáticos que quieren efectivizar y racionalizar el trabajo de la Comisión. Esta resolución dice que el Alto Comisionado para los Derechos Humanos se encargará de las actividades del Decenio. La parte del texto que concierne al grupo de trabajo es fundamentalmente de carácter procesal.

Este año fue la primera vez que los pueblos indígenas tuvieron la oportunidad de preparar la participación de sus representantes al

nivel de la Comisión bajo el punto de la agenda "temas indígenas". Esta oportunidad fue bien aprovechada, y los pueblos indígenas estuvieron bien representados. Sin embargo, habían pocos representantes asiáticos y casi ningún africano. Esto es lamentable, y los representantes que estaban allí, se beneficiarán seguramente de una representación más fuerte de estas importantes partes del mundo indígena. La cooperación entre los presentes fue intensa y fructífera. El tema de la participación fue el más importante, cuando se lo contempla en una perspectiva a largo plazo, y tal como se revela también en el capítulo anterior referente al grupo de trabajo intersesional, no hay dudas de que estos temas tendrán que ser tratados de nuevo, y los pueblos indígenas tendrán que prepararse bien para la próxima vuelta de negociaciones, tanto en el grupo de trabajo intersesional como en la Comisión del próximo año.

El foro permanente fue otro tema que es de esperar haya dado un paso adelante antes de la próxima reunión de la Comisión. El segundo seminario habrá tenido lugar antes de la misma, y sólo se puede esperar y aconsejar que los pueblos indígenas -particularmente de Asia y Africa, donde todavía no ha habido muchas oportunidades de discutir esperanzas y deseos para el foro- utilicen el tiempo para discutir entre ellos cómo quieren ser representados y cuáles son sus aspiraciones para este foro, el cual no debería ser considerado como un substituto del actual Grupo de Trabajo sobre Poblaciones Indígenas, sino como el establecimiento, a un alto nivel de la ONU, de un organismo que trate exclusivamente temas indígenas en una cooperación constructiva con los gobiernos y los organismos de la ONU y con el asesoramiento de expertos independientes.

En la sesión del Grupo de Trabajo sobre Poblaciones Indígenas correspondiente a 1997, habrán oportunidades de discutir el foro permanente, en base a los resultados del segundo seminario, y el tema de la participación en el próximo grupo de trabajo intersesional sobre la redacción de la Declaración. Es probable que las tumultuosas experiencias de la sesión de 1996 puedan ser evitadas, debido a la atmósfera de confianza y agradable establecida con el presidente José Urrutia y la comprensión compartida de los problemas.

No obstante, el destino final de la Declaración Preliminar es más dudoso que nunca. Es de esperar que se puedan encontrar puntos de consenso y que los gobiernos y los pueblos indígenas

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trabajen conjuntamente para encontrar una forma constructiva de tratar los artículos problemáticos. Esto debería darse en el marco de un proceso de mutua educación, lo cual, como ha sido frecuentemente destacado por representantes indígenas, es lo que se necesita para lograr que este importante e histórico proceso continúe y de resultados fructíferos.

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DOCUMENTOS IWGIA

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